Washington, Saturday, October 2, 1954

TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10566

AMENDMENT OF EXECUTIVE ORDER NO. 10455, AUTHORIZING THE INSPECTION OF CERTAIN TAX RETURNS

By virtue of the authority vested in me by sections 55 (a) 508, 603, 729 (a) and 1204 of the Internal Revenue Code of 1939 (53 Stat. 29, 111, 171, 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a) 508, 603, 729 (a) and 1204) Executive Order No. 10455 of May 22, 1953, entitled "Inspection of Income, Excess-profits, Declared Value Excess-profits, Capital Stock, Estate, and Gift Tax Returns by the Committee on Government Operations, House of Representatives" is hereby amended by striking out "1952" and inserting in lieu thereof "1953" 2

The order shall become effective upon its filing for publication in the Federal Register.

DWIGHT D. EISENHOWER

THE WHITE HOUSE, September 29, 1954.

[F. R. Doc. 54-7805; Filed, Sept. 30, 1954; 1:08 p. m.]

EXECUTIVE ORDER 10567

FURTHER DESIGNATION PURSUANT TO SEC-TION 103 (a) OF THE RENEGOTIATION ACT OF 1951

By virtue of the authority vested in me by the Renegotiation Act of,1951, 65 Stat. 7, as amended, hereinafter referred to as the Act, and as President of the United States, it is ordered as follows:

Section 1. The Federal Facilities Corporation, which exercises functions having a direct and immediate connection with the national defense, is hereby designated, pursuant to subsection (a) of section 103 of the Act, as an agency included within the definition of the term "Department" for the purposes of Title I of the Act.

Sec. 2. In accordance with section 102 of the Act, the provisions of Title I of the Act shall be applicable to all contracts with the Federal Facilities Corporation and related subcontracts, to the extent of the amounts received or accrued on or after the first day of October, 1954, whether such contracts or subcontracts were made on, before, or after that date.

SEC. 3. This order shall not be construed as affecting any renegotiation rights which the Government may have with respect to contracts with the Federal Facilities Corporation and related subcontracts to the extent of the amounts received or accrued between July 1, 1954 and September 30, 1954, inclusive, whether such contracts or subcontracts were made on, before, or after July 1, 1954.

DWIGHT D. EISENHOWER

THE WHITE House, September 29, 1954.

'[F. R. Doc. 54-7804; Filed, Sept. 30, 1954; 12:47 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. G. Grain Price Support Bulletin 1, Supp. 1, Amdt. 4, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

ELIGIBLE BARLEY: SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 1571, 2337, 3123, and 4373 and containing the specific requirements for the 1954-Crop Barley Price Support Program are hereby amended as follows:

 Section 421.453 paragraphs (c) and (d) are amended to make barley grading Western Barley Stained eligible for price

(Continued on p. 6363)

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 ¹⁸ F. R. 3013; 3 CFR 1953 Supp., p. 79.
 See Title 26, Chapter I, Part 458, infra.



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CFR SUPPLEMENTS

(For use during 1954)

All of the cumulative pocket supplements and revised books of the Code of Federal Regulations (as of January 1, 1954) are now available, except the supplements to Titles 1-3 and to the General Index.

Order from

Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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support so that the amended paragraphs read as follows:

read as follows:

§ 421.453 Eligible barley. * * *

(c) The barley must be of any class grading No. 5 or better, No. 5 Garlicky, or better, or No. 5 Western Barley Stained, or better, except that Class III Western Barley shall not have a test weight of less than 40 pounds per bushel.

(d) Barley grading Tough, Weevily, Blighted, Bleached, Ergoty or Smutty shall not be eligible, except that barley represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that barley grading Tough has been processed at the request of the eligible producer, and delivery will be made of eligible barley not grading Tough, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt.

2. Section 421.458 (c) (1) is amended by adding to the list of basic county support rates, the following counties and

COLORADO	
Dolores County	
Montezuma County	. 24
Typesother	

Missouri
Lewis County 1.21
Marion County 1.22

3. Section 421.458 (d) is amended to provide a discount for barley grading "Stained" so that the amended paragraph reads as follows:

§ 421. 458 Support rates. * * *

(d) Discounts. The discount for barley which grades No. 3 shall be 3 cents per bushel; for No. 4, 6 cents per bushel, and for No. 5, 10 cents per bushel. The support rates for "mixed barley" (Class IV) shall be 2 cents per bushel less than the support rates for barley of the Class I, II and III. In addition to any other applicable discounts, a discount of 10 cents per bushel shall be applied to barley grading "Garlicky" and a discount of 10 cents per bushel shall be applied to barley grading "Stained"

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S. C., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U.S. C. 714c, 7 U.S. C. 1447, 1421)

Issued this 28th day of September 1954.

Walter C. Berger, Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 54-7753; Flied, Oct. 1, 1954; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-23-A13]

PART 913—MILK IN THE GREATER KANSAS CITY MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED,
REGULATING HANDLING

§ 913.0 Findings and determinations. The findings and determinations heremafter set forth are supplementary and m addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be m conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.) and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act:

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

(b) Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Greater Kansas City marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area: and

area; and
(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (July, 1954) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Add the following as § 913.16:

§ 913.16 Quota milk. "Quota milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is not in excess of such producer's daily quota computed pursuant o § 913.6 multiplied by the number of days in such delivery period on which

such milk was received by the handler: *Provided*: That with respect to any producer on "every-other-day" delivery to a pool plant the days of non-delivery shall be considered as days of delivery for purposes of this section and of § 913.65.

2. Add the following as § 913.17:

§ 913.17 Excess milk. "Excess milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which, is in excess of quota milk received from such producer during such delivery period, and shall include all milk received from a producer for whom no daily quota can be computed pursuant to § 913.65.

3a. Delete § 913.22 (j) (2) and substitute therefor the following:

- (2) On or before the 10th day of each month the applicable uniform price(s) computed pursuant to §§ 913.71 and 913.72 and the producer butterfat differential computed pursuant to § 913.82, both applicable to milk delivered during the previous delivery period;
- 3b. Amend § 913.22 by adding the following as paragraph (1)
- (1) On or before February 1 of each year in writing notify (1) Each producer who made deliveries of milk during the previous September through December of his daily quota computed pursuant to § 913.65, (2) each cooperative association of the daily quota of each member of such association, and (3) each handler of the daily quota of each producer from whom such handler received milk.
- 4. Delete § 913.30 (a) and substitute therefor the following:
- (a) The receipts at each plant of milk from each producer, the average butter-fat test, the pounds of butterfat contained therein, the number of days on which milk was received from such producer, and for each of the delivery periods of February through July, the total pounds of quota milk and excess milk received from each producer.
- 5. Delete § 913.31 (a) and substitute therefor the following:
- (a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association, and the number of days on which milk was received from such producer, including, for each of the delivery periods of February through July, such producer's deliveries of quota milk and excess milk.
- 6. Add the following as §§ 913.65 and 913.66:

DETERMINATION OF QUOTA

- § 913.65 Computation of daily quota for each producer The daily quota for each producer applicable during each of the delivery periods of February through July, inclusive, shall be determined by the market administrator as follows:
- (a) Divide the total pounds of milk received by a handler(s) at a pool plant from such producer during the immedi-

ately preceding delivery periods of September through December by the number of days during such period on which milk was received from such producer, or by 90, whichever is greater *Provided*, That the daily quota applicable during the delivery periods of February through July 1955 shall be the higher of that resulting from such computation or that resulting from an identical computation with respect to milk received from such producer during the immediately preceding delivery periods of October through December.

§ 913.66 Daily quota rules. (a) Except as provided in paragraph (b) of this section, a daily quota shall apply only to milk produced by the producer in whose name such milk was delivered to the handler(s) during the quotaforming period.

(b) A producer may transfer his daily quota during the period of February through July by notifying the market administrator in writing before the last day of any delivery period that such quota is to be transferred to the person named in such notice but under the following conditions only:

(1) In the event of the death or entry into military service of a producer, the entire daily quota may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm:

(2) If a quota is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders the entire daily quota may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy operations.

7. Delete § 913.71 and substitute therefor the following:

§.913.71 Computation of uniform price. For each of the delivery periods of August through January the market administrator shall compute the uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 913.70 for all handlers who filed reports prescribed in § 913.30 and who made the payments pursuant to §§ 913.80 and 913.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 913.81,

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(d) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 913.82 by the total hundredweight of such milk:

(e) Divide by the total hundredweight of milk included in these computations; and (f) Subtract' not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received at pool plants located less than 50 miles from the City Hall in Kansas City, Missouri.

8. Add the following as § 913.72:

§ 913.72 Computation of uniform price for quota milk and excess milk. For each of the delivery periods of February through July the market administrator shall compute uniform prices per hundredweight for quota milk and for excess milk as follows:

(a) Combine into one total the values computed pursuant to § 913.70 for all handlers who filed reports pursuant to § 913.30 and who make the payments pursuant to §§ 913.80 and 913.84 for the

preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 913.81.

(c) Add an amount equal to one-half of the unobligated balance in the pro-

ducer-settlement funds;

- (d) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to \$913.82 by the total hundredweight of such milk;
- (e) Compute the total value of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 3.8 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 3.8 percent butterfat content, and adding together the resulting amounts:

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.8 percent butterfat received from producers at pool plants located less than fifty miles from the City Hall in Kansas City, Missouri;

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the aggregate value of milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of quota milk included in these computations; and

(1) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for quota milk of 3.8 percent butterfat content received from producers at pool plants located

less than fifty miles from the City Hall hereinafter provided, will tend to effecin Kansas City, Missouri.

10. Delete § 913.80 (a) and substitute therefor the following:

(a) On or before the 12th day after the end of each delivery period during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) pursuant to § 913.71 or § 913.72, adjusted by the butterfat differential computed pursuant to § 913.82, subject to the location adjustment to producers pursuant to § 913.81, and less the following amounts (1) the payments made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 913.88, and (3) any deductions authorized by the producer: Provided, That if by such date such handler has not received full payment for such delivery period pursuant to § 913.85 he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

11. Delete § 913.80 (d) (2) and substitute therefor the following:

(2) The pounds per shipment, the total pounds of milk (quota milk and excess milk separately for February through July) and the average butterfat test of milk delivered by the producer.

12. Delete § 913.86.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S. C.

Issued at Washington, D. C., this 29th day of September 1954 to be effective on and after the 1st day of November 1954.

EARL L. BUTZ. Assistant Secretary of Agriculture.

[F. R. Doc. 54-7785; Filed, Oct. 1, 1954; 8:54 a. m.l

[Valencia Orange Reg. 24]

PART 922-VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALI-

LIMITATION OF HANDLING

§ 922.324 Valencia Orange Regulation 24—(a) Findings. (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of Califorma, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as

tuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as heremafter set forth. The Valencia Orange Administrative Committee held an open meeting on September 30, 1954, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) Order. (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., October 3, 1954. and ending at 12:01 a.m., P. s. t., October 10, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement; (ii) District 2: 404,250 boxes;

(iii) District 3: Unlimited movement

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S. C. 608c)

Dated: October 1, 1954.

[SEAL] S. R. SMITH, Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7826; Filed, Oct. 1, 1954; 12:19 p. m.]

[Orango Reg. 263]

PART 933-ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.695 Orange Regulation 263-(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act. (2) It is hereby further found that

it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 4, 1954. Shipments of all oranges, except Temple oranges, grown in the State of Florida. are currently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until October 4, 1954; the recommendation and supporting information for continued regulation subsequent to October 3, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 28; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) Order. (1) During the period beginning at 12:01 a.m., e. s. t., October 4, 1954, and ending at 12:01 a.m., e. s. t., October 18, 1954, no handler shall ship:

- (i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 2; or
- (ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.
- (2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order and the terms "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida oranges (§§ 51.1140 to 51.1186 of this title)

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 29, 1954.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Division, Agricultural Marketing Service.

[F. R. Doc. 54-7783; Filed, Oct. 1, 1954; 8:54 a. m.]

[Grapefruit Reg. 209]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.696 Grapefruit Regulation 209—(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as heremafter provided, will tend to effectuate the declared policy of the

(2) It is hereby further found that it is impracticable and contrary to public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the Federal Register (60 Stat. 237. 5 U.S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 4, 1954. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until October 4, 1954, the recommendation and supporting information for continued regulation subsequent to October 3, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 28; such meeting was held to consider recomendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provision and effective time has been disseminated among handlers of such grapefruit; it is necessary in order to effectuate the declared policy of the act, to make this section effective during the period heremafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

- (b) Order (1) During the period beginning at 12:01 a. m., e. s. t., October 4, 1954, and ending at 12:01 a. m., e. s. t., October 18, 1954, no handler shall ship:
- (i) Any grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;
- (ii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than 3½6 inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida grapefruit (§§ 51.750 to 51.790 of this title)

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title)

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 29, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[F. R. Doc. 54-7782; Filed, Oct. 1, 1954; 8:53 a. m.]

[Tangerine Reg. 149]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.697 Tangerine Regulation 149-(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.) and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the Federal Register (60 Stat. 237. 5 U.S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient: a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good causo exists for making the provisions hereof effective not later than October 4, 1954. The committee held an open meeting on September 28, 1954, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangerines grown in the State of Florida, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangerines grown in the State of Florida at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

Prorate hace

(b) Order (1) During the period beginning at 12:01 a.m., e. s. t., October 4, 1954, and ending at 12:01 a.m., e. s. t., October 18, 1954, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1, or

(ii) Any tangermes, grown in the State of Florida, that are of a size smaller than the size that will pack 150 tangermes, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19% inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C.

Dated: September 29, 1954.

[SEAL] S. R. SMITH, Director Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-7784; Filed, Oct. 1, 1954; 8:54 a. m.]

[Lemon Reg. 557]

Part 953—Lemons Grown in California AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.664 Lemon Regulation 557— (a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767) regulating the handling of lemons grown in the State of California or in the State of Arizona. effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it 18 impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the Federal Register (60 Stat. 237; 5 U.S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective m order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circum-

stances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 29, 1954; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) Order (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 3, 1954, and ending at 12:01 a.m., P. s. t., October 10, 1954, is hereby fixed as follows:

(i) District 1. Unlimited movement; (ii) District 2: 250 carloads; (iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base,"
"District 1," "District 2," and "District "handler," 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S. C.

Dated: September 30, 1954.

[SEAL] S. R. SMITH, Director Fruit and Vegetable Division, Agricultural Marketing Service.

PROPATE BASE SCHEDULE

[Storage date: Sept. 26, 1954]

DISTRICT NO. 2

[12:01 a. m. Oct. 3, 1954, to 12:01 a. m. Oct. 17, 1954] Prorate base

Handler Total	(percent)	
American National Foods, Inc.,		
American National Foods, Inc., lerton		
American National Foods, Inc.,	Up-	

Buenaventura Lemon Co.....

land.

PEGRATE BASE SCHEDULE-Continued DISTRICT NO. 2-continued

	te base
Handler (per	rcent)
Concolidated Lemon & Orange Co	0.735
Ventura Pacific Co Chula Vista Mutual Lemon Associa-	3.337
tionEuclid Lemon Accoclation	. 585
Euclid Lemon Accoclation	.959
Thuck fautum resociation	.114
La Verne Cooperative Citrus Asso-	
clation	1.258
Ventura Coastai Lemon Co	2.553
Ventura Processors Glendora Lemon Growers Associa-	2.225
Hon	1 010
tion	1.619 .343_
Lo Habra Citrus Accociation	.360
Yorba Linda Citrus Association	420
Eccondido Lemon Association	2.109
Cucamonga Mesa Growers	.347
Etiwanda Citrus Fruit Association.	.030
San Dimas Lemon Accociation	1.463
Upland Lemon Growers Associa-	
tion	3.234
Central Lemon Accordation	.466
Irvine Citrus Accociation., The	.345
Irvine Citrus Association., The Placentia Mutual Orange Associa-	
tionCorona Citrus AccoclationCorona Foothill Lemon Co	.246
Corona Citrus Association	.051
	1.630
Jameson CoArlington Heights Citrus Co	. 685
Arlington Heights Citrus Co	.450
Accolation Chula Vista Citrus Association, The	2.839
Chuia Vista Citrus Association,	
The Econdido Cooperative Citrus Asso-	.903
Econdido Cooperative Citrus Asso-	
clationFallbroot: Citrus Association	.056
Lemon Grove Association	1.005
Carpinteria Lemon Accociation	.166
Carpinteria Mutual Citrus Associa-	3.293
tion	3.434
Goleta Lemon Association	6.347
Johnston Fruit Co	6.622
Briggs Lemon Association	3.023
Briggs Lemon AssociationFillmore Lemon Association	1.533
Oxnard Citrus Association	7.503
Oxnard Citrus Accoclation Rancho Sespe San Fernando Heights Lemon Asso-	.665
San Fernando Heights Lemon Asso-	
ciation	1.140
Santa Clara Lemon Accordation	5.628
Santa Paula Citrus Fruit Associa-	
Saticoy Lemon Accoclation	4.457
Saticoy Lemon Accordation	5.492
Seaboard Lemon Association	6.511
Somis Lemon Association	4. 163
Ventura Citrus Accoclation	1.630
Ventura County Citrus Association_	.243
Limoneira Co Teague-McKevett Accoclation	3.364
East Whittier Citrus Association	-938
Murphy Ranch Co.	-057
North Whittier Heights Citrus Asso-	.374
clation	.315
Sierra Madre-Lamanda Citrus Acco-	.010
ciation	.207
Par West Produce Distributors	.001
Paramount Citrus Association, Inc.	1.163
Santa Roca Lemon Co	.045
[F. R. Doc. 54-7814; Filed, Oct. 1,	
8:57 a. m.]	1007,

[Avocado Order 2, Amdt. 2]

PART 969-AVOCADOS GROWN IN SOUTH FLORIDA

MATURITY REGULATION

Findings. (1) Pursuant to the marketing agreement and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida, effective under the applicable 206 provisions of the Agricultural Market-1.217 ing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REG-ISTER (60 Stat. 237; 5 U.S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of avocados grown in "District 2" in South Florida.

It is, therefore, ordered as follows: The provisions in paragraph (b) (1) of § 969.302 (Avocado Order 2, as amended; 19 F R. 4861, 5966) as pertains to the variety Booth 8, in Columns 2, 3 and 4, respectively, of the table contained therein, are hereby further amended to read as follows:

(1)-	(2)		(3)	(4)
Variety	Beginning dato		Mini- mum weight in ounces	ding ate
Booth 8 ("District 1"). Booth 8 ("District 2").	Oct.	4, 1954 4, 1954	12 10	10, 1954 10, 1954

(c) Effective time. The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., October 4, 1954.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 29, 1954.

[SEAL], S. R. SMITH,
Director Fruit and Vegetable
Division, Agricultural Marketing Service.

[F. R. Doc. 54-7781; Filed, Oct. 1, 1954; 8:53 a. m.]

PART 980—MILK IN THE TOPEKA, KANSAS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGU-LATING HANDLING OF MILK IN THE TOPEKA, KANSAS, MARKETING AREA

§ 980.0 Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such

findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.) and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act:

(2) The parity prices of milk as determined pursuant to Section 2 of the act are not reasonable in view of the price of feeds, available supplies of foods, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

(b) Additional findings. It is necessary, in the public interest, to make this order, amending the order, effective not later than October 1, 1954, so as to reflect current market conditions. Any further delay beyond this time, in the effective date of this order, amending the order, will seriously impair the orderly marketing of milk in the Topeka, Kansas, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held July 23, 1954, and the decision of the Secretary having been issued on September 23, 1954. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective October 1, 1954, and that it would be impracticable, unnecessary and contrary to the public interest to delay the effective date of this order 30 days after its publication in the Federal Register (sec. 4 (c) Administrative Procedure Act. Pub. Law 404, 79th Cong., 60 Stat, 237; 5 U. S. C. 1001 et seq.)

(c) Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this

order, amending the order, as amended, which is marketed within the Topeka, Kansas, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area: and

area; and
(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1954) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Topeka, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and the aforesaid order, as amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Add the following as § 980.16:

§ 980.16 Base milk. "Base milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which was not in excess of such producer's daily base computed pursuant to § 980.66 multiplied by the number of days in such delivery period on which such milk was received by the handler *Provided*, That with respect to any producer on "every-other-day" delivery to a pool plant the days of non-delivery shall be considered as days of delivery for purposes of this section and of § 980.66.

2. Add the following as § 980.17-

§ 980.17 Excess milk. "Excess milk" means the amount of milk received by a handler from a producer during any of the delivery periods of March through July which is in excess of base milk received from such producer during such delivery period and shall include all milk received from a producer for whom no dally base can be computed pursuant to § 980.66.

3. Amend § 980.22 by adding the following as paragraphs (f) and (g)

(f) On or before February 1 of each year in writing notify (1) each producer who made deliveries of milk during the previous September through December of his daily base computed pursuant to § 980.66, (2) each cooperative association of the daily base of each member of such association, and (3) each handler of the daily base of each producer from whom such handler receives milk;

(g) On or before the 8th day after the end of each delivery period mail to

all handlers: (1) Such of the computations of the uniform price(s) made pursuant to §§ 980.71 and 980.72 as do not disclose information confidential pursuant to the act; (2) the applicable uniform price(s) per hundredweight computed pursuant to §§ 980.71 and 980.72; (3) the prices for Class I milk, Class II milk, and Class III milk; and (4) the butterfat differentials computed pursuant to-§§ 980.51 and 980.82.

- 4. Delete § 980.30 (a) and substitute therefor the following:
- (a) The receipts at each plant of milk from each producer, the average butterfat test, the pounds of butterfat contained therein, the number of days on which milk was received from such producer, and for each of the delivery periods of February through July, the total pounds of base milk and excess milk received from each producer.
- 5. Delete § 980.31 (a) and substitute therefor the following:
- (a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and -cooperative association, and the number of days on which milk was received from such producer, including for each of the delivery periods of February through July such producers' deliveries of base milk and excess milk.
- 6. Amend § 980.50 (c) by deleting the words "Meyer Sanitary Milk Company at its plant at Valley Falls, Kansas" and substitute therefor the words "Bennett Creamery Company at Ottawa, Kansas: Provided. That in no event shall the price be less than that paid at the Beatrice Foods Company plant included in this paragraph.
- 7. In § 980.64 delete the words "Excess milk." as they appear in the heading and substitute therefor the word "Overage."
 - 8. Add the following as § 980.66:

§ 980.66 Computation of daily base for each producer The daily base for each producer applicable during each of the delivery periods of February through July, inclusive, shall be determined by the market administrator as follows:

(a) Divide the total pounds of milk received by a handler(s) at a pool plant from such producer during the immediately preceding delivery periods of September through December by the number of days during such period on which milk was received from such producer, or by 90, whichever is greater: Provided, That the daily base applicable during the delivery periods of February through July 1955 shall be the higher of that resulting from such computation or that resulting from an identical computation with respect to milk received from such producer during the immediately preceding delivery periods of October through December.

9. Add the following as § 980.67:

§ 980.67 Daily base rules. (a) Except as provided in paragraph (b) of this section, a daily base shall apply only to milk produced by the producers in whose name such milk was delivered to the handler(s) during the base-forming period.

(b) A producer may transfer his daily base during the period of February through July by notifying the market administrator in writing before the last day of any delivery period that such base is to be transferred to the person named in such notice but under the following conditions only.

(1) In the event of the death or entry into military service of a producer, the entire daily base may be transferred to a member of such producer's immediate family who carries on the daily opera-

tion on the same farm.

(2) If a base is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders the entire daily base may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy operations.

10. Delete § 980.71 and substitute therefor the following:

§ 980.71 Computation of uniform price. For each of the delivery periods of August through January the market administrator shall compute the uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 980.70 for all handlers who filed reports prescribed in § 980.30 and who made the payments pursuant to §§ 980.80 and 980.84 for the preceding delivery period;

(b) Add an amount equal to one-half of the unobligated balance in the pro-

ducer-settlement fund:

(c) Substract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 980.82 by the total hundredweight of such milk;

(d) Divide by the total hundredweight of milk included in these computations;

(e) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for such delivery period for milk of producers containing 3.8 percent butterfat.

11. Add the following as § 980.72:

§ 980.72 Computation of uniform price for base milk and excess milk. For each of the delivery periods of February through July the market administrator shall compute uniform prices per hundredweight for base milk and for excess milk as follows:

(a) Combine into one total the values computed pursuant to § 980.70 for all handlers who filed reports pursuant to § 980.30 and who made the payments pursuant to §§ 980.80 and 980.84 for the preceding delivery period;

(b) Add an amount equal to one-half of the unobligated balance in the pro-

ducer-settlement fund:

(c) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 980.82 by the total hundredweight of such milk;

(d) Compute the total value of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class III milk included in these computations by the price for Class III milk of 3.8 percent butterfat content, multiplying the remaining hundredweight of such milk not in excess the total quantity of Class II milk by the price for Class II milk of 3.8 percent butterfat content, multiplying any remaining hundredweight of such milk by the price for Class I milk of 3.8 percent butterfat content, and adding together the resulting amounts.

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figures shall be the uniform price for such delivery period for excess milk of 3.8 percent butterfat re-

ceived from producers:

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the aggregate value of milk obtained in paragraph (c) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in

these computations; and

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for such delivery period for base milk of 3.8 percent butterfat received from producers.

- 12. Amend § 980.80 by deleting the words "at not less than the uniform price for all milk received from such producer" as they appear immediately preceding the proviso and substitute therefor the following: "at not less than the applicable uniform price(s) computed pursuant to §§ 980.71 and 980.72 for milk received from such producers."
- 13. Delete § 980.85 (c) 14. Delete § 980.87 (b) and substitute therefor the following:
- (b) The total pounds of milk (base milk and excess milk separately for February through July) delivered by the producer and the average butterfat test thereof, and the pounds per shipment if such information is not furnished to the producer each day;
- 15. Delete § 980.88 (a) and substitute therefor the following:
- § 980.88 Marketing services—(a) Deductions for marketing service. Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 980.60 shall deduct 5 cents

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per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk of each producer purchased or received by such handler during the delivery period and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such money shall be expended by the market administrator for market information to, and for the verification of weights, sampling and testing of milk received from said producers.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S. C.

Issued at Washington, D. C., this 29th day of September 1954, to be effective on and after the 1st day of October 1954.

[SEAL] EARL L. BUTZ, Assistant Secretary of Agriculture.

[F. R. Doc. 54-7786; Filed, Oct. 1, 1954; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A-Civil Air Regulations

PART 43—GENERAL OPERATION RULES

REVISION OF PART

Because of the number of outstanding amendments to Part 43 there follows a revision of Part 43 incorporating all amendments thereto which were in effect on October 1, 1954.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN, Secretary.

GENERAL

Sec.

43.1

AIRCRAFT REQUIREMENTS

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PRIVATE AND COMMERCIAL PILOT PRIVILEGES AND LIMITATIONS

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Flight instruction limitations.

43.65 Instrument flight limitations. 43.66 Instrument flight instruction.

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DEFINITIONS

43.70 Definitions.

AUTHORITY: §§ 43.1 to 43.70 issued under sec. 205, 52 Stat. 984; 49 U.S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U.S. C. 551.

§ 43.1 Scope. This part governs the operation of civil aircraft in the United States.

AIRCRAFT REQUIREMENTS

§ 43.10 Aircraft requirements. (a) No aircraft, except foreign aircraft authorized by the Administrator to be flown in the United States, shall be operated unless an appropriate and valid airworthiness certificate or special flight authorization and a registration certificate issued to the owner of the aircraft are carried in the aircraft, and the aircraft is identified in accordance with the requirements of Part 1 of this subchapter.

(b) No aircraft, except foreign aircraft authorized by the Administrator to be flown in the United States, shall be operated unless there are available in the aircraft appropriate aircraft operating limitations set forth in a form and manner prescribed by the Administrator, or a current flight manual approved by the Administrator. An aircraft shall be operated only in accordance with its prescribed operating limitations.

MAINTENANCE

§ 43.20 General. An aircraft shall not be flown unless it is in airworthy condition. Mechanical work must be performed in accordance with Part 18 of this subchapter.

§ 43.21 Flight tests. When an aircraft has undergone any repair or alteration which may have appreciably changed its flight characteristics or substantially affected its operation in flight, such aircraft, prior to carrying passengers, shall be test flown by at least a private pilot appropriately rated for the aircraft, and a notation to that effect shall be entered by such pilot in the aircraft log.

§ 43.22 Inspections—(a) Annual inspection. An aircraft shall not be flown, except for airworthiness flight tests, unless within the preceding 12 calendar months it has been given an annual inspection as prescribed by the Administrator and has been found to be airworthy by a person designated by the Administrator.

(b) Periodic inspection. An aircraft shall not be flown for hire, unless within the preceding 100 hours of flight time it has been given a periodic inspection by an appropriately rated mechanic in accordance with the periodic inspection report form prescribed by the Administra-

tor, has been found to be airworthy, and a notation to that effect has been entered by such mechanic in the aircraft log. The annual inspection required by paragraph (a) of this section will be accepted as one such periodic inspection.

(c) Air carrier exemption. Air carrier aircraft are exempted from paragraphs (a) and (b) of this section when such aircraft are maintained and inspected in accordance with a continuous maintenance and inspection system as provided for by Part 41, 42, or 61 of this subchapter.

§ 43.23 Aircraft and engine records. The registered owner of a certificated aircraft shall be responsible for maintaining and keeping available for inspection by an authorized representative of the Administrator or the Board and for transfer with the aircraft or engine the following records:

(a) Aircraft and engine records which shall contain a current, accurate, and permanent record including the flight time of the aircraft and each engine. reports of inspections, minor repairs, and minor alterations of the aircraft structure, engines, and propellers. A mo-chanical device which records the total time of operation or the total number of engine revolutions may be used in lieu of individual flight entries: Provided, That the totals of flight time are recorded in the aircraft and engine records at periodic intervals to enable compliance with the required inspections and maintonance procedures.

·(b) A record of major repairs and alterations shall be maintained as required by Part 18 of this subchapter. A reference to such major repairs and alterations shall be entered in the appropriate place in the aircraft records.

§ 43.24 Rebuilt engine logs. A new record without previous operating history may be used for an aircraft engine rebuilt by the manufacturer or any agency approved by the manufacturer for such work, provided such new record contains a signed statement by such manufacturer or agency giving the date the engine was rebuilt and such other information as the Administrator may require.

AIRCRAFT INSTRUMENTS AND EQUIPMENT

§ 43.30 Instruments and equipment for NC powered aircraft or powered aircraft with standard airworthiness cer-The following instruments tificates. and equipment, or instruments and equipment which the Administrator has found to be the equivalent, are required for the particular category of operation specified:

(a) Contact flight rules (day) Air-speed indicator.

(2) Altimeter.

(3) Magnetic direction indicator.

(4) Tachometer for each engine.

(5) Oil pressure gauge for each engine using pressure system.

(6) Temperature gauge for each liquid-cooled engine.

(7) Oil temperature gauge for pach air-cooled engine.

(8) Manifold pressure gauge, or equivalent, for each altitude engine.

(9) Fuel gage indicating the quantity of fuel in each tank.

(10) Position indicator, if aircraft has

retractable landing gear.

(11) Approved flotation gear readily available for each occupant and a Very pistol or equivalent signal device, if the aircraft is operated for hire over water beyond gliding distance from shore without the aid of power.

(12) Safety belts for all occupants. Safety belts shall be of an approved type. In no case shall the rated strength of a safety belt be less than that corresponding with the ultimate load factors specified in the pertinent currently -effective aircraft airworthiness parts of the regulations in this subchapter taking due account of the dimensional characteristics of the safety belt installation for the specific seat or berth arrangement. The webbing of safety belts shall be subject to periodic replacement as prescribed by the Administrator.

(b) Contact flight rules (night) Equipment specified in paragraph (a) of this section.

(2) Set of certificated forward and

rear position lights.

(3) After May 31, 1956, an approved anti-collision light for aircraft having a maximum certificated weight of more than 12,500 pounds; except that in the event of failure of such light; the aircraft may continue flight to the next stop where repairs or replacements can be made without undue delay.

(4) One electric landing light, if the

aircraft is operated for hire.

(5) Certificated landing flares as follows, if the aircraft is operated for hire beyond a 3-mile radius from the center of the airport of take-off:

Maximum authorized weight of aircraft: 3,500 pounds or less: five class 3 or three class 2 flares.

3,500 pounds to 5,000 pounds: four class 2 flares.

Above 5,000 pounds: two class 1 or three class 2 and one class 1 flares.

If desired, flare equipment specified for heavier aircraft may be used.

(6) An adequate source of electrical energy for such electrical and radio equipment as is installed.

(7) One spare set of fuses or 3 spare fuses of each magnitude.

- (c) Instrument flight rules. Equipment specified for contact flight rules in paragraph (a) of this section and, for night flight, equipment specified in paragraph (b) of this section.
- (2) Two-way radio communications system and navigational equipment appropriate to the ground facilities to be used.
 - (3) Gyroscopic rate-of-turn indicator.
 - (4) Bank indicator.
- (5) Sensitive altimeter adjustable for change in barometric pressure.
 - (6) Clock with a sweep second hand.
 - (7) Generator of adequate capacity.

§ 43.31 Aircraft electrofic navigation equipment accuracy. Except for aircraft in which the omnidirectional radio range (VOR) equipment is maintained, checked, and inspected in accordance with a procedure approved by the Administrator, no person shall operate an aircraft under instrument flight rules using the VOR system of radio navigation unless the aircraft VOR equipment has been operationally checked, both within the preceding ten hours of aircraft flight time and within the preceding ten days, and found to be within the limits of the indicated bearing error specified in this section for the particular check. The checks shall be conducted in accordance with either paragraph (a) or (b) of this section as follows:

(a) (1) If a CAA operated or approved test signal 2 is available at the airport of intended departure, a check of the VOR equipment shall be accomplished using this test signal. The maximum permissible indicated bearing error is

plus or minus 4°

(2) If a CAA operated or approved test signal is not available at the airport of intended departure, a check shall be accomplished using a point on an air-port surface designated by the Administrator as a VOR system check point. The maximum permissible indicated bearing error is plus or minus 4° 1

(3) If neither a CAA operated or approved test signal nor a designated check point on the airport surface is available, a check shall be accomplished using an airborne check point designated 2 as such by the Administrator. The maximum permissible indicated bearing error is plus or mnus 6°

(4) In the event none of the checks prescribed in subparagraphs (1), (2), and (3) of this paragraph can be accomplished, because of the unavailability of a check signal or point, the following airborne procedure shall be accomplished.

(i) Select the VOR radial which lies along the center line of an established VOR airway,

(ii). Choose a prominent ground point along the selected radial preferably more than 20 miles from the VOR ground facility and maneuver the aircraft directly over the point at a reasonably low altitude, and

(iii) Note the VOR bearing indicated by the receiver when over the point. The maximum permissible difference between the published radial and the indicated bearing is plus or minus 6°

(b) If dual systems (defined as VOR units independent of each other with the exception of the antenna) are installed in the aircraft, one system may be checked against the other in the following manner in lieu of the check procedures specified above: Both systems shall

¹An approved continuous maintenance and inspection program specified in Operations Specifications issued by or approved by the Administrator or any equivalent maintenance and inspection system specifically approved by the Administrator.

CAA operated or approved test signals, and ground check points on an airport surface and airborne check points designated by the Administrator, will be shown in the Airman's Guide.

3 In making this check, caution should be exercised to head the aircraft in a direction to prevent the aircraft structure from interfering with the ground signal.

be tuned to the same VOR ground facility and the indicated bearings to that station noted. The maximum permissible variation between the two indicated bearings is 4°

(c) The person making the VOR operational check as specified in paragraphs (a) or (b) of this section shall make an entry of such check in the aircraft log or other permanent record showing the date, place, bearing error, and his signature.

PILOTING RULES (GENERAL)

§ 43.40 Pilot certificate. No person shall pilot a civil aircraft within the United States unless he has in his personal possession at all times while piloting aircraft a valid pilot certificate with appropriate ratings issued by the Administrator, or an appropriate and valid foreign pilot certificate and ratings. Such certificate shall be presented for examination to any inspector of the Administration or State or local law enforcement officer upon the request of such inspector or enforcement officer.

§ 43.41 Medical certificate and renewal. No person shall pilot an aircraft under authority of a pilot certificate issued by the Administrator, unless he has in his personal possession at all times while piloting aircraft a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements appropriate to his rating within the following time limits:

(a) Student or private pilot. 24 calendar months.

(b) Commercial pilot. 12 calendar months, or 24 calendar months for operations requiring only a private pilot rating.

(c) Airline transport pilot. Six calendar months, or 12 calendar months for operations requiring only a commercial pilot rating, or 24 calendar months for operations requiring only a private pilot rating.

§ 43.42 Operation during physical deficiency. A person shall not pilot any aircraft during a period of any known physical deficiency or increase in physical deficiency which would render him unable to meet the physical requirements prescribed for the issuance of his currently effective medical certificate.

§ 43.43 Pilot logbooks. A record of the flight time used to substantiate recent experience or qualification for certificates or ratings shall be kept in a bound logbook. The logging of other flight time is not required. Such record shall show:

(a) Date of flight, duration of flight, and the points between which such flight was made.

(b) Category and type of the aircraft flown, the airplane class and engine horsepower.

- (c) Aircraft identification mark,
- (d) Dual instruction endorsed by a rated instructor, solo, pilot in command, instrument, and night flying time.
- § 43.44 Logging of flight time—(a) Student. A student pilot may log as solo

only that time during which he is the sole occupant of the aircraft in flight.

- (b) Private and commercial—(1) Pilot in command. A private or commercial pilot may log flight time as pilot in command that flight time during which he is the sole manipulator of the controls of an aircraft for which he is rated or that flight time during which he is the sole occupant of the aircraft. A flight instructor may log flight time as pilot in command that flight time during which he is serving as a flight instructor. All flight time so logged may be credited toward the total flight time required for a higher pilot rating.
- (2) Copilot. A private or commercial pilot may-log as copilot time that flight time during which he is performing the duties of a copilot. Such pilot shall be entitled to credit not more than 50 percent of such flight time toward the total flight time required for a higher grade of pilot rating, but in no event shall a private pilot be entitled to credit more than 50 hours of such flight time.
- (c) Instrument time. Instrument flight time may be logged as such by the pilot actually manipulating the controls only when the aircraft is flown solely by reference to instruments either under actual or simulated instrument flight conditions.
- § 43.45 Use of liquor narcotics, and drugs. No person shall pilot an aircraft or serve as a member of the crew while under the influence of intoxicating liquor or use any drug which affects his faculties in any manner contrary to safety. A pilot shall not permit any person to be carried in the aircraft who is obviously under the influence of intoxicating liquor or drugs, except a medical patient under proper care or in case of emergency.
- § 43.46 Towing by aircraft. No pilot shall tow anything by aircraft unless authority for such operation has been issued by the Administrator.
- § 43.47 Dropping objects or persons.

 (a) No person piloting an aircraft shall permit any object to be dropped from such aircraft in flight which creates a hazard to persons or property.

Note: This rule prohibits neither aerial application operations, such as seeding, spraying or dusting, nor the dropping of newspapers, periodicals, circulars, or objects of any other kind, provided reasonable precautions are taken to avoid injury or damage to persons or property.

- (b) No person piloting an aircraft shall permit a parachute jump to be made from such aircraft over congested areas of cities, towns, or settlements, or an open air assembly of persons except in an emergency or except under the terms of an authorization issued by the Administrator.
- § 43.48 Aerobatic flight. No pilot shall intentionally fly an aircraft in aerobatic flight carrying passengers unless all occupants are equipped with approved parachutes.
- § 43.49 Parachutes. No pilot shall carry on an aircraft a parachute which is available for emergency use unless:
- (a) It is an approved chair-type (canopy in back) parachute which has been

- packed by a qualified parachute rigger within the preceding 120 days; or
- (b) It is an approved-type, other than a char-type (canopy-in back) parachute which has been packed by a qualified-parachute rigger within the preceding 60 days.
- § 43.50 Transportation of explosives and other dangerous articles. No person piloting an aircraft shall permit explosives or other dangerous articles such as inflammable liquids or solids, oxidizing material, corrosive liquid, inflammable or noninflammable compressed gas, poison gas or liquid, poisonous liquid or solid, or tear gas to be carried in aircraft, except as provided for in Part 49 of this subchapter. Small arms ammunition for personal use, necessary aircraft signaling devices, and equipment necessary to safe operation of the aircraft are permitted.
- § 43.51 Fuel supply. Aircraft operated under IFR conditions shall carry sufficient fuel, considering weather reports and forecasts of wind and other weather conditions, to complete the flight to the point of first intended landing, to fly from there to the alternate airport, and to fly thereafter for 45 minutes at normal cruising speed.

STUDENT PILOT LIMITATIONS

- § 43.52 General limitations. No student pilot shall pilot an aircraft carrying a passenger, or on an international flight, or for compensation or hire, or in furtherance of a business.
- § 43.53 Requirements for first solo. A student pilot shall not operate an aircraft in solo flight until:
- (a) He has passed a written examination on the pertinent provisions of this part, Part 62, and those of Part 60 of this subchapter relating to visual flight rules.
- (b) He has been found competent by a flight instructor to make such flight and authority therefor has been endorsed by such instructor on the student pilot certificate, and
- (c) He has been given instruction in the prevention of and recovery from power-on and power-off stalls entered from all normally anticipated flight attitudes.
- § 43.54 Flight area limitations. A student pilot shall not pilot an aircraft outside a local flying area designated by his flight instructor until:
- (a) He has had a total of 15 hours of flight time, or, if enrolled in and receiving flying instruction from an approved air agency, he is deemed competent by such agency and
- (b) He has received at least 3 hours of dual cross-country instruction from a flight instructor, and his student pilot certificate has been appropriately endorsed by such instructor.
- § 43.55 Aircraft limitations. A student shall not pilot an aircraft other than that of the category, class, and type which has been endorsed on his student pilot certificate by a flight instructor.
- § 43.56 Recent experience. A student who has not piloted a powered aircraft within 90 days shall not pilot such

aircraft in solo flight until he has passed a flight check given by a flight instructor and that fact has been endorsed by such instructor in the student pilot logbook.

PRIVATE AND COMMERCIAL PILOT PRIVILEGES AND LIMITATIONS

- § 43.60 Private pilot. A private pilot shall not pilot aircraft for compensation or hire; except that he may pilot aircraft in connection with any business or employment, if the flight is merely incidental thereto and does not involve the carriage of persons or property for compensation or hire, and an aircraft salesman holding a private pilot rating may demonstrate aircraft in flight to a prospective purchaser if he has at least 200 hours of flight time credited in accordance with the provisions of this part.
- §43.61 Commercial pilot. A commercial pilot may pilot aircraft for hire. A commercial glider pilot may give flight instruction in gliders.
- § 43.62 Aurline transport pilot. An airline transport pilot may exercise the privileges of a commercial pilot with an instrument rating.
- §43.63 Rating requirements. A private or commercial pilot shall not serve as pilot in command of an aircraft carrying passengers or operated for remuneration other than in aircraft of the category and class for which he is rated. After May 1, 1953, a private or commercial pilot shall not serve as pilot in command of aircraft exceeding 12,500 pounds maximum certificated weight when carrying passengers or operated for remuneration unless, in addition to proper category and class ratings, he also holds an appropriate type rating. Upon application to the Administrator prior to May 1, 1953, by the holder of a valid private or commercial pilot certificate, type ratings for each aircraft exceeding 12,500 pounds maximum certificated weight will be issued to such holder, without further showing of competency, upon presentation of reliable evidence that the certificate holder either has passed an official rating test, as prescribed by the Administrator, in that type aircraft: or has served as pilot in command and sole manipulator of the controls for at least 10 hours since May 1, 1949, and such aircraft was within his category and class ratings. A private or commercial pilot may serve as pilot in command of aircraft for which he is not rated when it is being flown without passengers and is not being operated for remuneration. unless other limitations placed on his certificate prohibit him from doing so.

NOTE: Nothing contained in this section shall be construed as relieving the restrictions with respect to private pilots operating aircraft for hire.

- § 43.64 Flight instruction limitations. This section governs flight instructions:
- (a) Averaft. Aircraft shall be equipped with fully functioning dual controls.
- (b) Flight time. A flight instructor shall not give more than 8 hours of dual flight instruction in any one day and not more than 36 hours of dual flight instruction in any 7-day period.

(c) Endorsement of student pilot certificates. A flight instructor shall endorse the certificate of any student pilot for solo flight or flight in different categories, classes, and types of aircraft only if he has determined that the student is competent to exercise such privileges with safety, and for cross-country flight only if he has additionally determined that the student has an elementary knowledge of aeronautical charts, meteorological data, and the use of a magnetic compass.

(d) Aircraft category limitations. A flight instructor shall not give flight instruction in a category of aircraft in which he has not demonstrated to an authorized representative of the Administrator his proficiency as a flight in-

structor.

§ 43.65 Instrument flight limitations. A pilot shall not pilot aircraft under instrument flight rules, unless he holds a valid instrument rating issued by the Administrator.

§ 43.66 Instrument flight instruction. Instrument flight instruction may be given only by a person holding an effective instrument rating. A flight instructor rating is not required.

§ 43.67 Simulated instrument flight. Aircraft shall not be flown under simulated instrument flight conditions unless:

(a) Fully functioning dual controls are installed in the aircraft.

(b) An appropriately rated pilot occupies the other control seat as safety pilot, and

(c) Such safety pilot at all times has adequate vision forward and to either side of the aircraft, or a competent observer occupies a position in the aircraft so that his field of vision adequately supplements that of the safety pilot.

§ 43.68 Recent flight experience. This section governs recent flight experience:

- (a) General. No person shall pilot an aircraft carrying passengers unless within the preceding 90 days he has made at least 5 take-offs and landings to a full stop in aircraft of the same category, class, and type of aircraft to be flown. No person shall pilot a glider carrying passengers in aero-tow flight unless within the preceding 12 months he has made at least 6 aero-tow flights aggregating 1 hour during which the foregoing take-off and landing requirements are met.
- (b) Night flight. No person shall pilot an aircraft carrying passengers during the period from one hour after sunset to one hour before sunrise, unless he has made at least 5 take-offs and landings to a full stop during such period within the preceding 90 days.
- (c) Instruction flight. A flight instructor shall not exercise the privileges of the instructor rating unless within the preceding 12 calendar months he has either:
- (1) Given at least 10 hours of flight instruction while appropriately rated, or
- (2) Demonstrated his continued proficiency to the Administrator.

- (d) Instrument flight. A pilot shall not pilot an aircraft under instrument flight rules unless he has had at least 6 hours of instrument flight under actual or smulated flight conditions during the preceding six calendar months or until he has had 6 hours of such flight time under:
- Actual instrument conditions, accompanied by a pilot of at least private rating holding an appropriate aircraft and instrument rating, or

(2) Simulated instrument conditions in an aircraft accompanied by a pilot of at least private rating holding an appro-

priate aircraft rating, or

(3) Simulated instrument conditions in equipment approved by the Administrator, except that at least 3 hours must have been had in accordance with subparagraphs (1) or (2) of this paragraph.

DEFINITIONS

§ 43.70 Definitions. As used in this part terms shall be defined as follows:

Category. Category shall indicate a classification of aircraft such as air-

plane, helicopter, glider, etc.

Class. Class shall indicate a difference in basic design of aircraft within a category, such as single-engine land,

multiengine sea, etc.

Copilot. Copilot shall mean a pilot serving in any piloting capacity other than as pilot in command on aircraft requiring two pilots for normal operations, but excluding a pilot who is on board the aircraft for the sole purpose of receiving

dual instruction.

Dual instruction time. Dual instruction time shall mean that portion of the flight time during which a person is receiving flight instruction from a rated flight instructor on board the aircraft.

Flight instructor. Flight instructor means a pilot who is qualified to instruct other pilots and who has received

a flight instructor rating.

Flight time. Flight time shall mean the total time from the moment the arcraft first moves under its own power for the purpose of flight until the moment it comes to rest at the end of the flight.

Passenger A passenger is an occupant of the aircraft in flight other than a crew member.

Pilot. A pilot is a person holding a valid pilot certificate issued by the Administrator.

Pilot in command. Pilot in command shall mean the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

Solo flight time. Solo flight time shall mean the flight time during which a pilot is the sole occupant of an aircraft.

To pilot. To pilot means to be in command of the aircraft during take-off, in flight, or landing.

For example, a pilot taxles to the warmup apron and holds there for ceveral minutes before taking off to permit the engine to warm up. Such taxi and warm-up time is not considered flight time. Flight time begins when the alreraft leaves the warmup apron and ends when the pilot returns to parking apron and turns the switches off. Type. Type shall mean all aircraft of the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics.

[F. R. Doc. 54-7594; Filed, Oct. 1, 1954; 8:45 a.m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter E—Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors

PART 102—LICENSES AND PERMITS TO IMPORT BIOLOGICAL PRODUCTS

OVERTILIE, NIGHT, AND HOLIDAY WOPK AT LICENSED ESTABLISHMENTS

Pursuant to the authority conferred by the act of March 4, 1913 (37 Stat. 332– 833, 21 U. S. C. 151–158), and the act of August 4, 1949 (63 Stat. 495, 7 U. S. C. 394a) relating to overtime duty performed at establishments which prepare virus, serum, toxin, or analogous products for use in the treatment of domestic animals, § 102.78 is hereby amended as follows, to become effective immediately.

§ 102.78 Overtime work at licensed establishments. The management of a licensed establishment desiring to work under conditions which will require the services of an employee of the Branch on Saturday, Sunday, or a holiday, or for more than eight hours of any other day, shall sufficiently in advance of the period of overtime, request the inspector in charge or his assistant to provide inspection service during such overtime period, and shall pay the Administrator of the Agricultural Research Service an amount sufficient to reimburse the service for the cost of the inspection service so furnished. It will be administratively determined from time to time which days constitute holidays.

Finding. The cost of furnishing the overtime inspection service must be covered by funds collected from the inspected licensee. It is imperative that the Service be prepared to adjust the billing rate without delay whenever necessary to adequately reimburse it for the inspection costs. It is found therefore that the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) are impracticable and contrary to the public interest with respect to this regulation.

(37 Stat. 832; 21 U. S. C. 154)

Done at Washington, D. C., this 28th day of September 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator
Agricultural Research Service.

[F. R. Doc. 54-7787; Filed, Oct. 1, 1954; 8:55 a.m.]

TITLE 12—BANKS AND **BANKING**

Chapter II—Federal Reserve System

Subchapter A-Board of Governors of the Federal Reserve System

> PART 224-DISCOUNT RATES ADVANCES TO MEMBER BANKS

Pursuant to section 14 (d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, § 224.3, relating to advances to member banks under section 10 (b) of the Federal Reserve Act, is amended so as to change the percentage rate for the Federal Reserve Bank of Chicago from 21/4 to 2, effective September 13, 1954.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interpret or apply sec. 14, 38 Stat. 264, as amended; 12 U. S. C. 357)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, S. R. CARPENTER, [SEAL] Secretary.

[F. R. Doc. 54-7749; Filed, Oct. 1, 1954; 8:47 a. m.]

TITLE 16—COMMERCIAL **PRACTICES**

Chapter I—Federal Trade Commission

[Docket 6164]

PART 3-DIGEST OF CEASE AND DESIST ·ORDERS

CAPITOL SERVICE, INC. AND ROBERT K. SMITH

Subpart-Advertising falsely or misleadingly: § 3.15 Business status, advantages, or connections: Government connections; personnel or staff; qualifications and abilities: § 3.55 Demand. business or other opportunities; § 3.115 Jobs and employment service; § 3.205 Scientific or other relevant facts; § 3.280 Unique nature or advantages. Subpart-Misrepresenting oneself and goods: Business status, advantages or connections: § 3.1425 Government connections; § 3.1520 Personnel or staff [Misrepresenting oneself and goods]—Goods: § 3.1670 Jobs and employment; § 3.1685 Nature; § 3.1740 Scientific or other relevant facts; § 3.1760 Terms and conditions; § 3.1765 Undertakings, in general, § 3.1770 Unique nature or advantages. Subpart-Offering unfair improper and deceptive inducements to purchase or deal: § 3.1985 Individual's special selection or situation, § 3.1995 Job guarantee and employment; § 3.2015 Opportunities in product or service; § 3.2063 Scientific or other relevant facts; § 3.2080 Terms and conditions; § 3.2090 Undertakings, in general. In connection with the offering for sale, sale, or distribution in commerce of a course of study and instruction intended for preparing students thereof for ex-

aminations for Civil Service positions under the United States Government, or any similar course of study (1) representing, directly or by implication: (a) That respondents or their school have any connection with the United States Civil Service Commission or any other agency of the United States Government; (b) that respondents' sales agents are representatives or employees of the United States Civil Service Commission or any other government agency or have any connection therewith; (c) that the completion of respondents' course of study assures students of positions in the United States Civil Service or makes them eligible for appointment to such positions; (d) that it is necessary for persons seeking Civil Service positions to take respondents' course of study in order to qualify for or obtain such positions; (e) that any Civil Service position which requires appointees to have veteran's status or special physical, mental, educational, or experiential qualifications is generally available; (f) that it is necessary that persons desiring to prepare for Civil Service examinations be interviewed personally by respondents' salesmen; (g) that vacancies exist in any Civil Service position contrary to the fact; or that the number of positions available or vacant in said service or any branch thereof is greater than is actually the fact; (h) that the starting salary for any United States Civil Service position is greater than it is in fact; (i) that respondents offer any specialized training or sell any course of instruction other than a basic course for lower grade positions; (j) that positions obtained in the United States Civil Service will be at or near the place of residence of the employee; (k) that prospective purchasers of respondents' course of instruction are especially selected: (1) that enrollees may cancel their enrollment contract at any time without liability for the balance of the purchase price of said course; and (2) using any picturization resembling or simulating the dome of the United States Capitol unless in immediate conjunction therewith it is clearly set forth that respondents' business is a private correspondence school: prohibited.

(Sec. 6, 38 Stat. 722: 15 U.S. C. 46 Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Capitol Service, Inc. et al., Lansing Mich., Docket 6164, Aug. 31, 1954]

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, hearings at which certain evidence in support of and in opposition to the complaint was received, and a stipulation of fact entered into by counsel.

Said stipulation provided, other things, that the record might be closed insofar as the reception of evidence was concerned and the case submitted to the hearing examiner for final consideration upon the record as made up to that time, including the stipulation, the filing of proposed findings and conclusion, and oral argument being waived, and said examiner, with the matter thus before him for final consideration on the merits, made his initial decision comprising certain findings as

to the facts. conclusions drawn therefrom, and order.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on August 31, 1954.

Said order is as follows:

It is ordered, That respondent The Capitol Service, Inc., a corporation, and its officers, and respondent Robert K. Smith, individually, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of a course of study and instruction intended for preparing students thereof for examination for civil service positions under the United States Government, or any similar course of study, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That respondents or their school have any connection with the United States Civil Service Commission or any other agency of the United States Goyernment.

(b) That respondents' sales agents are representatives or employees of the United States Civil Service Commission or any other government agency or have any connection therewith.

(c) That the completion of respondents' course of study assures students of positions in the United States Civil Service or makes them eligible for appointment to such positions.

(d) That it is necessary for persons seeking Civil Service positions to take respondents' course of study in order to qualify for or obtain such positions.

(e) That any Civil Service position which requires appointees to have veteran's status or special physical, mental, educational, or experiential qualifications is generally available.

(f) That it is necessary that persons desiring to prepare for civil service examinations be interviewed personally by

respondents" salesmen.

(g) That vacancies exist in any Civil Service position contrary to the fact: or that the number of positions available or vacant in said service or any branch thereof is greater than is actually the fact.

(h) That the starting salary for any United States Civil Service position is greater than it is in fact.

(i) That respondents offer any specialized training or sell any course of instruction other than a basic course for lower grade positions.

(j) That positions obtained in the United States Civil Service will be at or near the place of residence of the employee.

¹Filed as part of the original document.

(k) That prospective purchasers of respondents' course of instruction are especially selected.

(1) That enrollees may cancel their enrollment contract at any time without liability for the balance of the purchase price of said course.

2. Using any picturization resembling or simulating the dome of the United States Capitol unless in immediate conjunction therewith it is clearly set forth that respondents' business is a private correspondence school.

By "Decision of the Commission and Order to File Report of Compliance" Docket 6164, August 31, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 31, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, Secretary

[F. R. Doc. 54-7776; Filed, Oct. 1, 1954; 8:52 a. m.1

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53606]

PART 3-DOCUMENTATION OF VESSELS

PART 4-VESSELS IN FOREIGN AND DOMESTIC TRADES

MISCELLANEOUS AMENDMENTS

Section 501 of the Customs Simplification Act of 1954, approved September 1, 1954 (Pub. Law 768; 68 Stat. 1140), amends existing law so as to exempt undocumented American pleasure vessels from the present requirements of entry and clearance and to remove the present requirement that yachts of over 15 gross tons make formal entry upon arrival from foreign ports. In addition, that section substitutes for the present requirement of a manifest of all "dutiable" articles in the case of a yacht not required to make entry a new requirement, for both yachts and undocumented American pleasure vessels, that all articles on board for which a customs entry is required, whether dutiable or not, be reported to the collector of customs within 24 hours after arrival. In view of these changes in existing law, the Customs Regulations are amended as follows:

1. Section 3.53 (a) is amended by deleting all the matter following the first sentence and inserting in lieu thereof the following: "A vessel which is so documented and which is not engaged in any trade nor in any way violating the customs or navigation laws of the United States may proceed from port to port in the United States or to foreign ports without clearing and is not subject to

entry upon its arrival in a port of the United States, provided it has not visited a hovering vessel."

2. The citation of authority for § 3.53 is amended to read "(R. S. 4197, as amended, R. S. 4214, as amended, R. S. 4217, as amended, R. S. 4367, 4368, sec. 4, 28 Stat. 625, sec. 5, 35 Stat. 425, as amended, secs. 433, 434, 435, 441, 46 Stat. 711, 712; 19 U. S. C. 1433, 1434, 1441, 46 U. S. C. 91, 103–105, 107, 313, 314.)"

3. Section 4.2 is amended by redesignating paragraphs (c) and (d) as (d) and (e) and by inserting a new paragraph (c) to read as follows:

(c) In the case of a vessel described in section 441 (3) Tariff Act of 1930, as amended, the report of articles subject to entry shall be made in accordance with the provisions of section 10.19 to the customs officer assigned to board the vessel. (See § 4.1 (c).)

(Sec. 441, 46 Stat. 712, as amended; 46 Ù. S. C. 2)

- 4. Section 4.3 is amended as follows: a. Paragraph (a) is amended by deleting "R. S. 4218, as amended ""
- b. Footnote 5, appended to paragraph (a) is amended by revising paragraph (3) thereof to read as follows:
- (3) Licensed yachts or undocumented American pleasure vessels not engaged in trade nor in any way violating the customs or navigation laws of the United States and not having visited any hovering vessel: Provided, That the master of any such vessel which has on board any article required by law to be entered shall be required to report such article to the collector within twentyfour hours after arrival;
- c. Footnote 6, appended to paragraph (a) is deleted.

(Sec. 501, 68 Stat. 1140)

5. Footnote 90, appended to § 4.60 (a) and (b) is amended by substituting the following for the parenthetical matter first appearing in the second sentence thereof:

(other than a licensed yacht or an undocumented American pleasure vessel not engaged in any trade nor in any way violating the customs or navigation laws of the United States)

6. Section 4.60 (b) (1) is amended to read as follows:

(1) A licensed yacht or undocumented American pleasure vessel not engaged in trade nor in any way violating the customs or navigation laws of the United States.20

(Sec. 501, 68 Stat. 1140)

It should be noted that nothing contained in the above-cited section 501 of the Customs Simplification Act of 1954 affects the necessity for reporting arrival as required by section 433, Tariff Act of 1930 (see § 4.2, Customs Regulations).

The foregoing amendments shall be effective October 1, 1954.

D. B. STRUBINGER. Acting Commissioner of Customs.

Approved: September 28, 1954.

H. CHAPMAN ROSE.

Acting Secretary of the Treasury.

[F. R. Doc. 54-7769; Filed, Oct. 1, 1954; 8:51 a. m.]

[T. D. 53603]

PART 3-DOCUMENTATION OF VESSELS

The act of August 9, 1954, gives to the Secretary of Commerce during the time of national emergency the authority to requisition, purchase, or charter foreign merchant vessels lying idle in United States waters. To provide for documentation of such vessels the Customs Regulations are amended by adding sections which follow. Similar provisions were deleted by T. D. 53336 upon expiration of the act of June 6, 1941, as extended.

3.60 Vessels entitled to documents.

3.61 Provisional register.

3.62 Marine documents; classes; period of validity.

Marine documents; execution of.

3.64 Marine documents to include dimencions and tonnage.

Application for official number and

3.65 signal letters.

3.68 Designation of home port.

Coastwice permit.

3.68 Marketing of official number and net tonnage

3.69 Home port; change of. 3.70 Master's oath for enrollment and licence.

3.71 Change of master.

3.72 Icoue, record, and surrender of documents. Renewal of document.

3.74 Exchange of documents.

Authority: \$\$ 3.60 to 3.74 issued under cec. 3, Pub. Law 569, 83d Cong.

§ 3.60 Vessels entitled to documents. (a) (1) Any vessel (except a vessel constructed under the provisions of the Merchant Marine Act, 1936, as amended) not documented under the laws of the United States, which is acquired by or made available to the Secretary of Commerce, may be documented under the act of August 9, 1954.4

(2) A vessel may be documented under such sections although no certificate of inspection has been issued or filed.

with the collector.

(3) The master and watch officers of a vessel documented under such sections shall be citizens of the United States, except in those cases where that requirement of law is waived as provided for in section 3(b) of the act of August 9, 1954.

(b) Vessels registered pursuant to this section shall not engage in the coastwise trade unless in possession of a valid unexpired permit to engage in that trade issued by the Secretary of Commerce under authority of section 3(c) of the

act of August 9, 1954.

(c) Any vessel which is entitled under the provisions of paragraph (a) of this section to be registered may be enrolled and licensed if 20 net tons or over, or, if under 20 net tons, licensed for the coasting trade under the act of August 9. 1954, provided a valid unexpired permit to engage in the coastwise trade issued by the Secretary of Commerce under the authority of section 3(c) of the act of August 9, 1954, is filed with the collector of customs to whom application for enrollment and license or license is made.

[&]quot;It is not necessary that the name and halling port be marked prior to documentation on a vessel to be documented under §§ 3.60 to 3.74.

§ 3.61 Provisional register (a) Subject to prior authorization by the Commissioner of Customs in each case, a consular officer of the United States, or the captain of the Port of Cristobal or Balboa, C. Z., may issue a provisional register to a vessel abroad which has been acquired by or made available to the Secretary of Commerce.

(b) A copy of every provisional register issued under this section shall be forwarded immediately by the issuing officer through the usual channels to the Com-

missioner of Customs.

- (c) Such provisional register shall entitle the vessel to the privilege of a vessel of the United States in trade with foreign countries, American Samoa, or the Island of Guam, until the expiration of 6 months from the date thereof, until 10 days after the vessel's arrival at a port in the United States, or until the effective date of an order of the Commissioner of Customs requiring its surrender, whichever may happen first, and no longer.
- § 3.62 Morine documents; classes; period of validity. (a) Marine documents issued under the act of August 9, 1954, shall consist of registers, enrollments and licenses, and licenses.
- (b) All marine documents (except provisional registers) issued under the act of August 9, 1954, shall be permanent, whether granted to vessles at their home ports or at ports other than their home ports.
- (c) Every marine document issued under the act of August 9, 1954, shall be valid until the effective date of an order of the Commissioner of Customs requiring its surrender, unless sooner terminated as provided for in any of the provisions of §§ 3.60 to 3.74.
- (d) Any document issued under the act of August 9, 1954, shall be valid only so long as the vessel to which it is granted is owned as, and of the description, stated therein.

(e) Any enrollment and license or license issued under the act of August 9, 1954, shall be valid only so long as the permit issued to the vessel by the Secretary of Commerce remains in force.

- (f) Any document issued under the act of August 9, 1954, shall be surrendered at any time that such surrender may be ordered by the Commissioner of Customs. No vessel, the surrender of the documents of which has been so ordered, shall have, after the effective date specified in such order, the status of the vessel of the United States unless documented anew.
- § 3.63 Marine documents; execution of. All marine documents issued under the act of August 9, 1954, shall be executed as prescribed in § 3.7.
- § 3.64 Marine documents to include dimensions and tonnage. Every marine document issued to a vessel under the act of August 9, 1954, shall, whenever possible express the data specified in § 3.9.
- § 3.65 Application for official number and signal letters. (a) Application for an official number for, a vessel to be documented under the act of August 9,

1954, shall be made in duplicate by the Secretary of Commerce and delivered to the Commissioner of Customs directly or through the collector of customs at the home port, or through the collector of customs at the port at which the Secretary of Commerce intends to document the vessel. The application may contain a request that signal letters be awarded, and shall state:

- (1) That the United States represented by the Secretary of Commerce is the owner of the vessel.
- (2) That the vessel is not documented under the laws of the United States.
- (3) That it has been acquired by or made available to the Secretary, as the case may be.
- (4) That it has not been constructed under the provisions of the Merchant Marine Act, 1936, as amended.
- (5) The material of which the hull is constructed.
- (6) The date and place of build of the vessel, if possible.
- (7) The matters required by § 3.64 to be shown on the document.
- (b) Official numbers issued to such vessels shall be prefaced by the letters MA. The issuance shall be as provided for in § 3.13 (d)
- § 3.66 Designation of home port. Prior to documentation, the approval of the Commissioner of Customs of the designation of home port shall be obtained by the Secretary of Commerce. The designation shall be made by the Secretary of Commerce in triplicate on customs Form 1319 and delivered to the Commissioner of Customs directly or through the collector of customs at the home port so designated, or through the collector of customs at the port at which the Secretary of Commerce intends to document the vessel.
- § 3.67 Coastwise permit. Before an enrollment and license or license may be issued under the act of August 9, 1954, there shall be filed with the collector at the port at which the document is to issue a valid unexpired permit in duplicate issued by the Secretary of Commerce under authority of section 3 (c) of the act of August 9, 1954, authorizing the vessel to engage in the coastwise trade.
- § 3.68 Marking of official number and net tonnage. The official number and the net tonnage of every vessel documented under authority of the act of August 9, 1954, shall be marked upon the main beam. Such marking shall not, however, be required prior to the issue of a document to the vessel.
- § 3.69 Home port; change of. If the Secretary of Commerce desires to change the home port of a vessel documented under the act of August 9, 1954, application shall be made for the approval of the new home port in the manner prescribed in § 3.66.
- § 3.70 Master's oath for enrollment and license. (a) Prior to the granting
- ⁴² No master's oath is required for the issuance of a register under the act of August 9, 1954.

or renewing of the enrollment and license or license of any vessel under the act of August 9, 1954, the master shall swear that such license shall not be used for any other vessel or for any other employment than the coasting trade, or m any manner whereby the revenue of the United States may be defrauded.

(b) This oath may be taken before any officer authorized by law to administer oaths generally and may be mailed to the collector together with the enrollment and license or license, whereupon action shall be taken as if the oath had been administered by the collector.

§ 3.71 Change of master When the master of any vessel documented under the act of August 9, 1954, is changed, the new master shall report the change to the collector at the port where the change takes place or where the vessel shall first arrive after the change, and shall produce to the collector the vessel's document and make oath that he is the new master of the vessel. The collector shall then endorse upon the document the name of the new master.

§ 3.72 Issue, record, and surrender of documents. (a) The provisions of §§ 3.22 (a) and (b) and 3.26 shall apply with respect to documents issued under the act of August 9, 1954.

(b) No enrollment and license or license shall be issued for a longer period than is authorized by the permit referred

to in § 3.67.

- § 3.73 Renewal of document. A document granted to any vessel under the act of August 9, 1954, shall be presented to the collector of the port at which the vessel may be at the time of its expiration within 3 days after that time, or if the vessel be at sea at that time, within 3 days after her first arrival at a port of the United States. Such a document may be renewed by the collector of customs upon the request of the master or the Secretary of Commerce if at the time of such request the documentation of the vessel is not prohibited by the act of August 9, 1954, by any order of the Commissioner of Customs issued under authority of that act requiring surrender of the vessel's document, or by any provision of the regulations in this part.
- § 3.74 Exchange of documents. (a) Any vessel enrolled and licensed or licensed under the act of August 9, 1954, may be registered.
- (b) Any vessel registered under the act of August 9, 1954, may be enrolled and licensed or licensed for the coasting trade if a permit in duplicate issued by the Secretary of Commerce under section 3 (c) of the act of August 9, 1954, authorizing a vessel to engage in the coastwise trade is filed with the collector of customs.

[SEAL] D. B. STRUBINGER, Acting Commissioner of Customs.

Approved: September 28, 1954.

H. Chapman Rose, Acting Secretary of the Treasury.

[F. R. Doc. 54-7768; Filed, Oct. 1, 1954; 8:51 a. m.] [T. D. 53602]

PART 6—AIR COMMERCE REGULATIONS
DESIGNATION OF FRIDAY HARBOR, FRIDAY
HARBOR, WASHINGTON, AS AN AIRPORT OF
ENTRY

Friday Harbor, Friday Harbor, Washington, is hereby designated as an international airport for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (49 U. S. C. 179 (b)) effective on the date of publication of this Treasury decision in the Federal Register.

The list of international airports in § 6.20 is hereby amended to include the name and location of this airport.

Notice of the proposed designation of Friday Harbor as an international airport was published in the Federal Register of August 27, 1954 (19 F. R. 5490) pursuant to the provisions of the Administrative Procedure Act (5 U. S. C. 1003).

The designation of this airport is based on a determination that a sufficient need exists to justify such designation and is made for the purpose of providing for convenient compliance with customs requirements. For these reasons, it is found desirable to make the airport of entry available to the public as soon as possible and to dispense with the delayed effective date provision of section 4 (c) of the Administrative Procedure Act (5 U, S. C. 1003 (c))

(R. S. 161, sec. 7, 44 Stat. 572, as amended; 5 U. S. C. 22, 49 U. S. C. 177)

[SEAL]

RALPH KELLY, Commissioner of Customs.

Approved September 27, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-7767; Filed, Oct. 1, 1954;
8:50 a.m.]

[T. D. 53592]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

CLEARANCE OF ARTICLES UNDER THE \$200 OR \$300 EXEMPTION

EDITORIAL NOTE: Items 3f and 3g amending 19 CFR § 10.20 (see page 6164 of the issue for Saturday, September 25, 1954) should read as follows:

- f. Paragraph (b) (6) is redesignated paragraph (b) (7) and a new paragraph (b) (6) inserted to read:
- (6) The provisions of subparagraphs (2) and (4) of this paragraph relating to the issuance of a certified duplicate declaration and cards on customs Form 3349, respectively, shall be applicable when a supplemental declaration is made by a resident under § 10.17 (k) at the port of his return if he made only an oral declaration at the time of his return.
- g. Redesignated paragraph (b) (7) is amended by inserting the words "at the port of clearance" after the word "collector"

No. 192---3

TITLE 26-INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 6104]

PART 458-INSPECTION OF RETURNS

INSPECTION OF RETURNS BY COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES, DURING 83D CONGRESS

Paragraph 1. Pursuant to the provisions of sections 55 (a) 508, 603, 729 (a), and 1204 of the Internal Revenue Code of 1939 (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a) 508, 603, 729 (a) and 1204), and of the Executive order of this date issued thereunder. Treasury Decision 6012, approved on May 22, 1953 (§ 458.320), is hereby amended by striking out "1952" and inserting in lieu thereof "1953"

Par. 2. Because of the necessity of the immediate application of the aforementioned amendment, it is found that it is impracticable and contrary to the public interest to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

Par. 3. This Treasury decision shall be effective upon its filing for publication in the Federal Register.

[SEAL]

G. M. Humphney, Secretary of the Treasury.

Approved: September 29, 1954.

DWIGHT D. EISENHOWER, The White House.

[F. R. Doc. 54-7806; Filed, Sept. 30, 1954; 1:08 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B-Renegotiation Board Regulations
Under the 1951 Act

PART 1471—ASSIGNMENT OF CONTRACTORS FOR RENEGOTIATION

HOW ASSIGNMENT IS MADE

Section 1471.2 How assignment is made is amended as follows:

1. The following sentence is inserted before the last sentence in paragraph (b) "Cases assigned on and after September 18, 1954, will be designated in accordance with the preceding sentence; cases previously assigned will generally be redesignated in accordance therewith upon request of the Regional Board if not already concluded by clearance notice, agreement or order, and if such redesignation is otherwise expedient."

redesignation is otherwise expedient."

2. The words "March 25, 1954" in paragraph (d) are deleted and the words

¹See Title 3, Executive Order 10506, supra.

"September 18, 1954" are inserted in lieu thereof.

(Sec. 109, 65 Stat. 22; 50 U.S. C. App. 1219)

Dated: September 29, 1954.

GEORGE C. McConnaughey, Chairman.

[F. R. Doc. 54-7772; Filed, Oct. 1, 1954; 8:51 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

Appendix—Canal Zone Orders
[Canal Zone Order 35]

NAVAL HOSPITAL AREA, COCO SOLO, CANAL ZONE

REVOCATION OF CANAL ZONE ORDER 23

By virtue of authority vested in the President of the United States by section 5 of title 2 of the Canal Zone Code, as amended by section 1 of the act of September 26, 1950, 64 Stat. 1038, and delegated to me by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10101 of January 31, 1950, and after consultation with the Secretary of the Navy, Canal Zone Order No. 23 of May 18, 1951, 16 F. R. 7614, establishing the Naval Hospital Area, Coco Solo, Canal Zone, is hereby revoked.

This order shall become effective on September 1, 1954.

ROBERT T. STEVENS, Secretary of the Army.

SEPTEMBER 27, 1954.

[F. R. Doc. 54-7750; Filed, Oct. 1, 1954; 8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration
Part 4—Dependents and Beneficiaries
Chams

SERVICEMEN'S INDEMNITY FOR DEATH A new § 4.462 is added as follows:

§ 4.462 Servicemen's indemnity for death—(a) Provisions of act. Public Law 638, 83d Congress, approved August 24, 1954, provides as follows:

That section 2 of the Servicemen's Indemnity Act of 1951 is amended by inserting immediately after "including the National Guard when called or ordered to active duty or active training duty for fourteen days or more;" the following: "members of the Reserve Officers' Training Corps, the Naval Reserve Officers' Training Corps, and the Air Force Reserve Officers' Training Corps, when called or ordered to active training duty for fourteen days or more while on such active training duty:"

training duty;"
SEC. 2. The amendment made by this act shall take effect as of April 25, 1951.

(b) Scope of act. This act extends indemnity coverage for the first time to (1) members of the Reserve Officers' Training Corps of the Army (ROTC) (2) members of the Air Force Reserve Officers' Training Corps (AFROTC) and

(3) members of the Contract Naval Reserve Officers' Training Corps (NROTC) (as distinguished from the Regular Naval Reserve Officers' Training Corps (NROTC)) who are called or ordered to active training duty for 14 days or more, where death occurs on or after June 27, 1950, while on such active training duty. These categories are not covered while undergoing scholastic instruction, or mactive training duty, including flights in Government owned or leased aircraft as contemplated in § 4.300 (b) They are covered during a period of travel only if such travel is performed under competent orders; e. g., travel to or from the port of embarkation or training station for the annual practice cruise or annual training period. Since indemnity coverage for these categories is limited to deaths which occur while on such active training duty, coverage does not extend for 120 days after separation or release from duty, even though the person may have been called or ordered to such duty for a period exceeding 30 days.

(c) Effective date of act. Section 2 of this act provides that it is effective April 25, 1951, the date of enactment of the original act, Public Law 23; 82d Congress. It is accordingly applicable to all active training duty as defined therein, rendered on or after June 27, 1950. There is no time limit for filing claims. Initial awards of indemnity under the provisions of this act shall be payable from the date of death of the serviceman, irrespective of whether death occurred prior to or on or after the date of the act. It is not contemplated that any automatic review of previously disallowed claims will be made. (Instruction 1, Pub. Law 638, 83d Cong.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective October 5, 1954.

J. C. PALMER. Acting Deputy Administrator [F. R. Doc. 54-7778; Filed, Oct. 1, 1954; 8:53 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter L-International Postal Service PART 116-FOREIGN MAIL INVOLVING CUSTOMS REVENUE

RESCISSION OF SECTIONS

In Part 116 Foreign Mail Involving Customs Revenue, the following sections are rescinded;

- 1. Section 116.63 Examination of dutiable mail records at stations.
- 2. Section 116.64 Station examiners to remain at station until all returns are made.
- 3. Section 116.65 Duties of station examiners.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE McGregor Goff. The Solicitor

[F. R. Doc. 54-7751; Filed, Oct. 1, 1954; 8:47 a. m.]

Subchapter N-Procedures and Forms PART 150-PROCEDURES OF THE POST OFFICE DEPARTMENT

PROCEDURES RELATIVE TO PAIR EMPLOYMENT PRACTICES

Section 150.5005 Procedures relative to fair employment practices; is amended to read as follows:

§ 150.5005 Procedures relative to fair employment practices—(a) Regulations applicable. The regulations and directives duly promulgated by and under the authority of the Fair Employment Board, in accord with the provisions of

Executive Order 9380 (3 CFR, 1948 Supp.), together with the provisions of this statement of procedure constitute the basic and controlling regulations to govern fair employment procedures in the Post Office Department.

(b) Fair employment officer Assistant Postmaster General, Bureau of Personnel, is designated Fair Employment Officer for the administration of the fair employment program.

(c) Deputy fair employment officer The following officials are designated as Deputy Fair Employment Officers for the indicated units:

Regional and District Operations Offices..... Regional Operations Manager. Post Offices_____ Postal Transportation Service_____ Regional Accounting Office______ Regional Controller (if established, Post Office Inspection Service Division ____ Mail Equipment Shops, District of Columbia Superintendent. Supply Center_____Superintendent.

Unit

Deputy Fair Employment Officer ----- Regional Operations Manager (if established, otherwise the Postmaster). General Superintendent.

> otherwise the Director). ___ Inspector in Charge.

Vehicle Service________ Regional Vehicle Manager.
Division, Post Office Department______ Director.

- (d) Investigations. When necessary, investigations required by the Department in cases of alleged discrimination shall be conducted by the Post Office Inspection Service.
- (e) Personnel actions. All personnel actions taken by appointing officers shall be based solely on merit and fitness without regard to race, color, religion, or national origin.
- (f) Complaints. A complaint made by an employee or by an applicant failing of appointment must be made not later than 3 months from the date of the personnel action complained of, unless failure to submit the complaint within this time limit was due to unusual circumstances beyond the control of the complamant.
- (g) Written complaints. Any initial written complaint must be signed by the complainant and include information regarding the specific personnel action complained of, the approximate date thereof, reasons in support of the alleged discrimination, a statement as to when the complainant first learned of the discrimination, and remedies sought.

(h) Hearings. Not more than one hearing shall be held on any individual complaint.

(i) Applicants. An applicant failing of appointment who alleges discrimination may file a complaint, which must be in writing, either with the appropriate Deputy Fair Employment Officer or with the Fair Employment Officer, Post Office Department, Washington 25, D. C. In all other respects complaints of applicants will be handled in the same manner as complaints of employees:

(j) Employees. An employee may file a complaint with the first-line supervisor, with the Deputy Fair Employment Officer, or with the Fair Employment Officer, Post Office Department, Washington 25, D. C. Complaints initiated with the supervisor may be oral or written. Those initiated with the Deputy Fair Employment Officer or the Fair Employment Officer must be in writing.

(k) Action by the supervisor complaint cannot be adjusted satisfactorily and promptly by the first-line supervisor, he should advise the employee to submit the complaint in writing. The supervisor shall submit a written report to the Deputy Fair Employment Officer setting forth the basis for the complaint and the reasons for inability to effect a satisfactory adjustment. The report shall include the written complaint of the employee. The written report of supervisors under the jurisdiction of Postmasters; District Superintendents, Bureau of Transportation; Managers, District Operations Offices, Bureau of Post Office Operations: and Directors, Regional Accounting Offices, shall be submitted directly to these officials who shall, if the complaint cannot be satisfactorily adjusted at that level, make the required report to the Deputy Fair Employment Officer.

(1) Action by the Deputy Fair Employment Officer On receipt of an original complaint or a complaint referred to him by a supervisor, the Deputy Fair Employment Officer should promptly make, or cause to be made, such inquiry as is necessary to ascertain the facts at issue on the complaint. He should endeavor through informal negotiation to effect a satisfactory settlement of the complaint and if necessary take, or cause to be taken, corrective action. The Fair Employment Officer should be advised of the settlement of the complaint and any corrective action which may be taken. In the event the Deputy Fair Employment Officer is not able to effect a satisfactory settlement of the complaint by informal negotiation, ho shall forward to the Fair Employment Officer the complete file on the complaint.

(m) Action by the Fair Employment Officer (1) On receipt of an original complaint or a complaint referred to him by a Deputy Fair Employment Officer or by the Fair Employment Board of the Civil Service Commission, the Fair Employment Officer shall make, or cause to be made, such investigation as is necessary to resolve all issues raised by the individual complaint. Simultaneously he shall make, or cause to be made, an appraisal of the personnel actions in the unit in which the complaint originated. If it is not possible to adjust the complaint to the satisfaction of the complaint, the Fair Employment Officer shall advise him of his right to a hearing.

(2) On request from the complainant. the Fair Employment Officer shall schedule a hearing which shall be held at a place reasonably convenient to the complainant. The complainant must attend the hearing, but he may be assisted by a representative of his own choosing. The hearing shall be conducted by a hearing officer to be designated from the postal service by the Fair Employment Officer. The complainant shall be permitted to present by witnesses or otherwise any facts pertinent to the issues. Where practicable, a transcript of the testimony shall be made. If a verbatim transcript is not practicable, a full summary of the testimony shall be made by the hearing officer. The summary may be agreed to and signed by the complainant and the hearing officer, or if the complainant does not agree with the summary, he may note and sign his exceptions which will become a part of the summary. Any transcript or summary shall be made available by the Fair Employment Officer for inspection by the complainant or his authorized representative.

(3) On the material facts disclosed by the investigation, by the general appraisal of personnel actions, and by the hearing if held, the Fair Employment Officer shall make findings of fact. From these findings of fact he shall make

a decision and advise the interested parties of the decision, furnishing them with a copy of the findings of fact. If the decision is favorable to the complainant, the Fair Employment Officer shall take or cause to be taken appropriate corrective action. If the decision is unfavorable to the complainant, the Fair Employment Officer shall notify the complainant, in writing, of his right to appeal to the Postmaster General.

(n) Action by the Postmaster General. In the event that an appeal is taken from the decision of the Fair Employment Officer, a decision will be made by the Postmaster General upon the facts of the case, and the appellant will be notified in writing, in duplicate, of such decision. If the decision is favorable to the appellant, such corrective action as appears warranted will be taken.

(o) Appeals to the Fair Employment Board, Civil Service Commission. If the decision'is unfavorable to the appellant, he will be advised in writing, in duplicate, of his right to appeal to the Fair Employment Board of the Civil Service Commission. A copy of the adverse decision must accompany such appeal.

(p) Election of appeal channel. In order to prevent duplication of appeals arising out of the same personnel action, any complainant who has the right of appeal to the Civil Service Commission under authority of law and also has a right of appeal under Executive Order 9980 (3 CFR, 1948 Supp.) may elect the channel through which he presents his complaint, but if he elects to appeal directly to the Civil Service Commission, he may not thereafter avail himself of the procedures under Executive Order 9980.

(q) Procedures for handling complaints filed by groups or organizations.

(1) A group or organization may file a written complaint with the Fair Employment Officer regarding personnel actions which have the effect of discriminating against a group of employees or applicants on account of race, color, religion, or national origin. Such complaint must include full and complete information to support the allegations of discrimination in personnel actions, setting forth dates, names, and identification of individuals involved, incidents, occurrences, and circumstances.

(2) The Fair Employment Officer shall make or cause to be made a full and complete investigation of the allegations of discrimination. The holding of a hearing shall be optional with the Fair Employment Officer. The Fair Employment Officer shall report the results of the investigation, together with his recommendation, to the Postmaster General. The Postmaster General will make a decision on the specific allegations of discrimination, and where necessary, corrective action will be taken. The group or organization making the complaint will be advised of the decision and the facts on which the decision is based. In the event of an adverse decision, the group or organization will be advised of the right of appeal to the Fair Employment Board of the Civil Service Commission within 30 days of the receipt of the decision.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369. E. O. 9980, 13 F. R. 4311, 3 CFR, 1948 Supp., Reorg. Plan No. 3 of 1949, 14 F. R. 5225)

[SEAL] ABE McGregor Goff,

— The Solicitor.

[F. R. Doc. 54-7752; Filed, Oct. 1, 1954; 8:47 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11190; FCC 54-1240]

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING AND ORDER TO SHOW CAUSE

In the matter of amendment of § 3.606, Table of assignments, rules governing television broadcast stations; Docket No. 11190.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. Greylock Broadcasting Corporation, permittee of television station WMGT operating on Channel 74 at North Adams, Massachusetts, filed a petition on September 20, 1954, requesting that the Commission's Table of Television Channel Assignments set out in § 3.606 of its rules be amended to substitute Channel 19 for Channel 74 in North Adams. It is suggested that this assignment can be

accomplished by making the following changes in the Table:

0 11	Channel No.		
City	Present	Proposed	
North Adams, Mass	74+,*80 10+ 13,10,*25+ 33	19,*80 15 13,*25+,54— 74+	

- 3. On September 27, 1954, Greylock Broadcasting Corporation filed a Supplement to its petition noting that concurrently with the filing of its request it was seeking a special temporary authority to operate on Channel 19. Greylock requests that the Commission issue an Order to Show Cause why Greylock should not be required to shift its operations on Mt. Greylock from Channel 74 to Channel 19 in order to provide a more dependable television service to the residents of Western Massachusetts.
- 4. In support of its petition, Greylock notes that it is currently operating station WMGT on Channel 74 at North

Adams, with its 12 kw transmitter located on Mt. Greylock. Greylock states that because of certain technical difficulties, the station has been unable to operate with the power necessary to cover its contemplated service area. Petitioner submits that the use of high power which would be available immediately on a lower channel would enable it to provide television service to a number of communities located in the foothills of the Berkshire Mountains in Western Massachusetts.

5. A permit to construct a television station on Channel 19 in Utica has been outstanding (BPCT-1850) however, the permittee has indicated that it proposes to surrender its construction permit and request its concellation. No applications are pending for any of the other channels that would be affected by petitioner's proposed. Petitioner states that the proposed amendments would conform to the Commissioner's Rules and would not affect any existing grants or pending applications.

6. The Commission is of the view that rule-making proceedings should be in-

stituted in this matter in order that interested parties may submit their views. The subject petition is made a part of the docket in this proceeding.

7. Authority for the adoption of the proposed amendment is contained in sections 4 (i) 301, 303 (c)- (d) (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

8. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before October 11, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 5 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments before taking final action in this matter, and if any comment appears to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

9. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

10. Since Greylock Broadcasting Corporation is presently operating on Channel 74 in North Adams and the rule making proposed herein would substitute -Channel 19 for Channel 74 in that community, Greylock Broadcasting Corporation is ordered to show cause in this proceeding why its outstanding authorization should not be modified to specify operation on Channel 19 in lieu of Channel 74. A reply in writing to the aforesaid Order to Show Cause should be filed on or before the same date for filing comments in the proceeding.

Adopted: September 29, 1954.

Released: September 30, 1954.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL]

MARY JANE MORRIS

Secretary.

[F. R. Doc. 54-7807; Filed, Oct. 1, 1954; 8:57 a. m.]

DEPARTMENT OF COMMERCE Civil Aeronautics Administration

[14 CFR Part 612]

AERONAUTICAL FIXED COMMUNICATIONS

EXTENSION OF TIME FOR FILING COMMENTS

Notice is hereby given that the date for receipt of comments to the proposed revision of Part 612 of the regulations of the Administrator, published on August 31, 1954, in 19 F R. 5561, is hereby extended from September 30 to November 1, 1954.

F B. LEE. Administrator of Civil Aeronautics.

[F. R. Doc. 54-7792; Filed, Oct. 1, 1954; 8:56 a. m.1

THE RENEGOTIATION BOARD

I 32 CFR Parts 1454, 1456, 1467, 1470 1

RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

NOTICE OF PROPOSED RULE MAKING

The Renegotiation Board pursuant to section 109 of the Renegotiation Act of 1951, Public Law No. 9, 82d Congress, as amended by Public Law No. 764, 83d Congress, proposes to issue the following regulations not less than thirty days after the date of this publication in the FEDERAL REGISTER. The Board intends to make such changes in these proposed regulations as it considers appropriate in the light both of recommendations made by interested persons for changes and improvements therein and of its own further study.

Interested persons are hereby notified that, in order for recommendations for changes and improvements in the proposed regulations to be considered, they must be presented, in writing, to The Renegotiation Board, Washington 25, D. C., within twenty days from the date of this publication in the FEDERAL REGISTER.

Dated: September 29, 1954.

GEORGE C. McConnaughey. Chairman.

PART 1454 PARTIAL MANDATORY EXEMP-TION OF PRIME CONTRACTS AND SUBCON-TRACTS FOR NEW DURABLE PRODUCTIVE EQUIPMENT

This part is amended in the following respects:

- 1. The title of the part is deleted in its entirety and the new title reads as set forth above.
- 2. The words "Subpart A--Físcal Years Ending Before June 30, 1953" are inserted as a center heading before § 1454.1.
- 3. Section 1454.1 Statutory provision is amended by deleting the words "Section 106 (c) of the act provides as follows" and inserting in lieu thereof the following: "With respect to fiscal years ending before June 30, 1953, section 106 (c) of the act provides as follows"
- 4. Section 1454.2 Application of act to subcontracts for new durable productive equipment is amended by inserting the words "in a fiscal year ending before June 30, 1953" in the first sentence between the words "received or accrued" and the words "after the effective date"
- 5. Section 1454.4 What constitutes subcontract for new durable productive equipment; in general is deleted in its entirety and the following is inserted in lieu thereof:
- § 1454.4 What constitutes subcontract for new durable productive equipment; in general. For the purposes of the par-

tial exemption set forth in section 100 (c) of the act, equipment is deemed to be durable if it has an average useful life of more than five years and is deemed to be productive if it does not become a part of an end product acquired by any agency of the Government under a contract with a department, or of an articlo incorporated therein. It will be considered that equipment does not become a part of an end product, or of an article incorporated therein, if such equipment is capable of being "used in the processing of other materials" (compare last sentence of § 1452.4 (b) (1) of this sub-A purchase order or agreechapter) ment for new durable productive equipment is a subcontract subject to the act if such equipment is required for the performance of a prime contract or subcontract subject to the act.

6. Subpart B, consisting of new §§ 1454.21 to 1454.29, is added to read as follows:

SUBPART B-FISCAL YEARS ENDING ON OR AFTER JUNE 30, 1953 Sec

1454.21 Statutory provision. 1454.22 Purpose of exemption. 1454.23 Application for exemption.

What constitutes durable produc-1454.24 tive equipment.

What constitutes prime contract for 1454.25 new durable productive equipment.

What constitutes subcontract for 1454.26 new durable productive equipment.

1454.27 Components of new durable productive equipment.

1454.28 Prime contractors and subcontractors related to prime contracts for new durable productive equipment.

1454.29 Limitation on exemption of prime contracts for new durable productive equipment.

§ 1454.21 Statutory provision. With respect to fiscal years ending on or after June 30, 1953, section 106 (c) of the act provides as follows:

(1) In general. The provisions of this title shall not apply to receipts or accruals (other than rents) from contracts or subcontracts for new durable productive equipment, except (A) to that part of such receipts or accruals which bears the same ratio to the total of such receipts or accruals as five years bears to the average useful life of such equipment as set forth in Bulletin F of the Bureau of Internal Royenue (1942 edition) or, if an average useful life is not so set forth, then as estimated by the Board and (B) to receipts and accruals from contracts for new durable productive equipment in cases in which the Board finds that the new durable productive equipment covered by such contracts cannot be adapted, converted, or retooled for commercial use.

(2) Definition. For the purpose of this subsection, the term "durable productive equipment" means machinery, tools, or other equipment which does not become a part of an end product, or of an article incorporated therein, and which has an average useful life of more than five years. [Matter in italics added by Pub. Law 704, 83d Cong. approved September 1, 1954.]

§ 1454.22 Purpose of exemption. The purpose of the amendments contained in the foregoing exemption was stated as follows in the report of the Senato Committee on Finance ((1954) S. Rept.

¹Dissenting statement of Commissioner Bartley filed as part of original document.

643, 83d Cong. 3, to accompany H. R. 6287)

The fact that many Government purchases of machine tools at the present are for stockpiling purposes makes this amendment essential. By making sales of this type to the Government, the industry is, in effect, destroying the future market for its products because the eventual release of the Government stockpile will serve to satisfy normal demand. Thus, the amendment merely requires recognition of the fact that defense use can be expected to represent only a portion of the useful life of the equipment sold under prime contracts.

§ 1454.23 Application of exemption— (a) Prime contracts. The foregoing amended exemption has the effect of making the act applicable to prime contracts for new durable productive equipment only to the extent of that part of the amounts received or accrued in any fiscal year ending on or after June 30, 1953 which bears the same ratio to the total of such amounts received or accrued as five years bears to the average useful life of such equipment as set forth in Bulletin F of the Bureau of Internal Revenue (1942 edition) or, if an average useful life is not so set forth, then as estimated by the Board. A description of the methods of determining the amount of renegotiable business under prime contracts for new durable productive equipment is set forth in § 1456.4 (a) of this subchanter.

(b) Subcontracts. With respect to subcontracts for new durable productive equipment, amounts received or accrued in fiscal years ending on or after June 30, 1953 are exempt to the same extent as amounts received or accrued in fiscal years ending before that date. However, with respect to fiscal years ending on or after June 30, 1953, subcontracts under which the purchaser of new durable productive equipment has acquired such equipment for the account of the Government are not excluded from the term "subcontracts for new durable productive equipment" and therefore are within the partial exemption.

§ 1454.24 What constitutes durable productive equipment. For the purposes of the partial exemption set forth in section 106 (c) of the act, equipment is deemed to be durable if it has an average useful life of more than five years, and is deemed to be productive if it does not become a part of an end product, or of an article incorporated therein. It will be considered that equipment does not become a part of an end product, or of an article incorporated therein, if such equipment is capable of being "used in the processing of other materials" (compare last sentence of § 1452.4 (b) (1) of this subchapter)

§ 1454.25 What constitutes prime contract for new durable productive equipment; in general. A prime contract is one for new durable productive equipment if such equipment is new and has an average useful life of more than five years and, when acquired by the Government, is capable of being used in the processing of other materials. A prime contract for equipment which is not capable of being so used, although it is new and has an average useful life of

more than five years, is not a prime contract for new durable productive equipment. Prime contracts for new durable productive equipment include pool orders and similar commitments.

§ 1454.26 What constitutes subconcontract for new durable productive equipment; in general. A purchase order or agreement for new durable productive equipment is a subcontract subject to the act if such equipment is required for the performance of a prime contract or subcontract subject to the act.

§ 1454.27 Components of new durable productive equipment. In order for a prime contract or a subcontract to qualify as a prime contract or subcontract for new durable productive equipment, it is immaterial whether the equipment is used directly in the processing of an end product or of an article incorporated therein, or is incorporated in another item of such equipment.

§ 1454.28 Prime contracts and subcontracts related to prime contracts for new durable productive equipment. The extent to which the act applies to receipts or accruals from prime contracts and subcontracts for new durable productive equipment which is incorporated in another item of such equipment will be determined by reference to the average useful life of the equipment in question and not by reference to the life of the equipment of which it becomes a part. Prime contracts and subcontracts for equipment or other materials which are not new durable productive equipment are not covered by the exemption set forth in this part even though the equipment or other materials are incorporated in new durable productive equipment. The extent to which the act applies to receipts or accruals from such prime contracts and subcontracts will be determined according to the provisions of § 1456.5 of this subchapter.

§ 1454.29 Limitation on exemption of prime contracts for new durable productive equipment: Prime contracts for new durable productive equipment are not covered by the exemption set forth in this part when such equipment cannot practicably be adapted, converted or retooled for commercial use. (See § 1456.4 (a) (2) (i) of this subchapter.)

PART 1456—METHODS OF SEGREGATING RENEGOTIABLE AND NONRENEGOTIABLE SALES

This part is amended in the following respects:

1. Section 1456.4 How to determine receipts or accruals subject to renegotiation; new durable productive equipment is amended by deleting paragraph (a) in its entirety and inserting in lieu thereof the following:

(a) Prime contracts. (1) With respect to fiscal years ending before June 30, 1953 (see Subpart A of Part 1454 of this subchapter), receipts and accruals under prime contracts for new durable productive equipment shall be determined in the same manner as receipts

or accruals under all other prime contracts (see § 1456.3 (a))

(2) With respect to fiscal years ending on or after June 30, 1953 (see Subpart B of Part 1454 of this subchapter), receipts and accruals under prime contracts for new durable productive equipment shall be determined in the following manner:

(i) The seller shall first classify such equipment according to whether it can or cannot be adapted, converted or retooled for commercial use. When the seller knows or ascertains that any such equipment cannot practicably be so adapted, converted or retooled, its sales of such equipment are not within the partial mandatory exemption but are wholly renegotiable and are not to be included in the calculation made pursuant to this subparagraph. Upon the request of the Board, the seller shall furnish such information and data available to the seller as the Board may require to enable it to determine whether the equipment can or cannot practicably be adapted, converted or retooled for commercial use.

(ii) Having determined which equipment can practicably be adapted, converted or retooled for commercial use, the seller shall then classify such equipment according to the average useful life thereof. Average useful life of new durable productive equipment shall be determined by reference to Bulletin F of the Bureau of Internal Revenue (1942 edition). If the average useful life of equipment of a particular type is not set forth in Bulletin F and if the Board has not yet made an estimate of the average useful life of equipment of such type, the seller shall estimate the average useful life of the equipment in question, taking into consideration the average useful life of comparable equipment as set forth in Bulletin F. It should be noted that equipment having an average useful life of 5 years or less is not covered by the partial mandatory exemption of prime contracts for new durable productive equipment.

(iii) The seller shall then determine the amount of receipts or accruals referable to each class of equipment having the same average useful life. The seller may make this determination on an over-all basis or on a contract by contract basis.

(iv) The seller shall next apply to the receipts or accruals determined in the manner set forth in subdivision (iii) of this subparagraph, with respect to each group of equipment having the same average useful life, a ratio equal to the ratio that 5 years bears to the average useful life of such equipment. The aggregate of the resulting figures represents the amount of the seller's renegotiable receipts or accruals from prime contracts for new durable productive equipment.

2. Section 1456.4 is further amended by deleting the last sentence of paragraph (b) (1) and inserting in lieu thereof the following: "It should be noted that with respect to fiscal years ending before June 30, 1953, equipment which is acquired by the purchaser for the account of the Government or which

becomes a part of an end product acquired by the Government under a renegotiable prime contract, is not new durable productive equipment as defined in section 106 (c) of the act."

3. Section 1456.5 How to determine receipts or accruals subject to renegotiation, materials other than new durable productive equipment not incorporated in end product is amended by deleting the same in its entirety and inserting in lieu thereof the following:

§ 1456.5 How to determine receipts or accruals subject to renegotiation, materials other than new durable productive equipment not incorporated in end product. This section applies to materials which do not constitute new durable productive equipment and which are not incorporated in an end product delivered to a Department. Sales of such materials under prime contracts are wholly renegotiable unless otherwise exempted. Sales of such materials under subcontracts shall be considered renegotiable on the basis of the use of such materials (that is, whether the use is for renegotiable or non-renegotiable production) When the extent of the use cannot be readily established, such sales shall be considered renegotiable in substantially the same proportion as the production of the purchasers of such material is subject to renegotiation.

PART 1467-MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTERIES

Sec.

1467.1 Statutory provision.

1467.2 Basis of exemption. 1467.3 Application of exemption.

1467.4 Filing of information and data pertaining to standard commercial articles

1467.5 Acceptability of report.

1467.6 Exemption denied when article fails to qualify as standard commercial

article.

1467.7 Specific findings of sufficient competitive conditions.

1467.8 Specific findings of insufficient competitive conditions.

1467.9 Exemption not applicable to related subcontracts.

AUTHORITY: \$\$ 1467.1 to 1467.9 issued under sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219. Interpret or apply sec. 106, 65 Stat. 7, Pub. Law 764, 83d Cong., 50 U. S. C. App. 1216.

§ 1467.1 Statutory provision. Section 106 (a) (8) of the act (added by Pub. Law 764, 83d Cong., approved September 1, 1954) exempts the following:

(8) any contract or subcontract for the making or furnishing of a standard com-mercial article, unless the Board makes a specific finding that competitive conditions affecting the sale of such article are such as will not reasonably prevent excessive profits. This paragraph shall apply to any such contract or subcontract only if (1) the contractor or subcontractor files, at such time and in such form and detail as the Board shall by regulations prescribe, such information and data as may be required by the Board under its regulations for the purpose of enabling it to reach a decision with respect to the making of a specific finding under this paragraph, and (2) within a period of six months after the date of filing of such information and data, the Board fails to make a specific finding that competitive

conditions affecting the sale of such article are such as will not reasonably prevent excessive profits, or (3) within such six-month period, the Board makes a specific finding that competitive conditions affecting the sale of such article are such as will reasonably prevent excessive profits. Any contractor or subcontractor may waive the exemption provided in this paragraph with respect to receipts or accruals in any fiscal year by including a statement to such effect in the financial statement filed by such contractor or subcontractor for such fiscal year pursuant to section 105 (e) (1). Any specific finding of the Board under this paragraph shall not be reviewed or redetermined by any court or agency other than by The Tax Court of the United States in a proceeding for a redetermination of the amount of excessive profits determined by an order of the pard. For the purpose of this paragraph—
(A) the term "article" includes any mate-

rial, part, component, assembly, machinery, equipment, or other personal property;
(B) the term "standard commercial arti-

cle" means an article-

(1) which, in the normal course of business, is customarily manufactured for stock, and is customarily maintained in stock by the manufacturer or any dealer, distributor. or other commercial agency for the marketing of such article; or

(2) which is manufactured and sold by more than two persons for general civilian industrial or commercial use, or which is identical in every material respect with an article so manufactured and sold;
(C) the term "identical in every material

respect" means of the same kind, manufactured of the same or substitute materials. and having the same industrial or commercial use or uses, without necessarily being

of identical specifications; and
(D) the term "persons" does not include any person under control of, or controlling, or under common control with any other person considered for the purposes of subparagraph (B) (2) of this paragraph.

[The statutory provision set forth above applies to contracts with the Departments and subcontracts only to the extent of the amounts received or accrued by a contractor or subcontractor after December 31, 1953.]

§ 1467.2 Basis of exemption. basis of this exemption was stated as follows in the report of the Senate Committee on Finance ((1954) S. Rept. 643, 83d Cong. 4, to accompany H. R. 6287)

The Committee believes that in the case of standard commercial articles there is in most cases no basis or need for renegotiation since cost and pricing experience has already been acquired and prices made in a competitive market. It is believed that in the few cases where renegotiation is necessary to insure the Government against excessive prices, the public interest will be protected by giving the Board authority to make specific findings as to the lack of proper competitive conditions in such cases.

§ 1467.3 Application of exemption-(a) Effective date. The exemption provided in section 106 (a) (8) of the act, and the regulations contained in this part, are applicable only to amounts received or accrued after December 31, 1953 under prime contracts with the Departments and subcontracts. The exemption applies to such amounts without regard to whether such prime contracts or subcontracts were made on, before or after that date. Amounts received or accrued on or before December 31, 1953 under any such prime contracts or subcontracts are not exempt under this section.

(b) Effect. Pursuant to the foregoing exemption, when it is not waived by the contractor, receipts or accruals after the effective date under any prime contract or subcontract for the making or furnishing of a standard commercial article are exempt if the contractor files the Standard Commercial Article Report discussed in § 1467.4 within the time therein prescribed and if, within six months after such filing, the Board makes a specific finding that competitive conditions affecting the sale of such article are such as will reasonably prevent excessive profits, or fails within such six-month period to make a specific finding to the contrary.

(c) Procedure. When a contractor claims that the exemption provided in section 106 (a) (8) of the act is applicable to some or all of its receipts or accruals for a fiscal year, and the contractor does not waive the exemption, the applicability of the exemption to such receipts or accruals will be determined by the Board before the Board takes action with respect to any other receipts or accruals of the contractor in such fiscal year. To facilitate this procedure, the Board has prescribed that the amount of receipts or accruals claimed to be within the exemption shall be reported separately in the Standard Commercial Article Report discussed in § 1467.4 and may, for the purposes of such report, be estimated by the contractor.

(d) Initial treatment of standard commercial article sales. If the amounts received or accrued under prime contracts with the Departments and subcontracts during the fiscal year by the contractor and all related contractors. including receipts or accruals from sales of standard commercial articles, aggregate less than the applicable minimum amount for renegotiation prescribed in section 105 (f) (1) or (2) of the act, the contractor shall not file the Standard Commercial Article Report set forth in § 1467.4 but shall file the Statement of Non-Applicability set forth in § 1470.91 of this subchapter. Except as stated in the preceding sentence, every contractor who claims that the exemption provided in section 106 (a) (8) of the act is applicable to any of its receipts or accruals for a fiscal year, and who does not waive the exemption, shall file the Standard Commercial Article Report as provided in § 1467.4. If in addition the contractor has other renegotiable receipts or accruals in the same fiscal year, the contractor shall also file a financial statement pursuant to section 105 (e) (1) of the act with respect to such other receipts or accruals. Unless before such financial statement is filed the Board shall have determined that the exemption is not applicable to the receipts or accruals claimed by the contractor to be within the exemption, such receipts or accruals shall be excluded in computing the aggregate of the renegotiable receipts or accruals of the contractor and all related contractors in the fiscal year to which such statement relates and in determining whether for such fiscal year the contractor is required to file the

Standard Form of Contractor's Report or the Statement of Non-Applicability.

(e) Waiver Section 106 (a) (8) of the act provides that the exemption therein granted may be waived by the contractor with respect to receipts or accruals in any fiscal year by including a statement to such effect in the financial statement filed by such contractor for such fiscal year pursuant to section 105 (e) (1). Any such waiver made in the Standard Form of Contractor's Report shall be effective only with respect to the fiscal year to which such report relates, and shall not be effective for any other year. If the Board agrees to accept a waiver of this exemption from a contractor who has not included such waiver in its Standard Form of Contractor's Report, such waiver, when accepted, will be deemed a part of the Standard Form of Contractor's Report of such contractor with the same force and effect as if it had been set forth therein when such a report was filed. Once made, a waiver of this exemption may not be withdrawn except with the permission of the Board.

§ 1467.4 Filing of information and data pertaining to standard commercial articles—(a) Form. No special form of report is prescribed for the filing of information and data pertaining to prime contracts and subcontracts for standard commercial articles. However, the information and data described in paragraph (b) of this section will be known as the "Standard Commercial Article Report" The information and data required by this report may be furnished by letter or memorandum.

(b) Contents of Standard Commercial Article Report. The Standard Commercial Article Report shall contain the following information and data:

(1) A brief description of each article (by class) claimed to be exempt as a standard commercial article, including representative catalogs or brochures, if available.

(2) Actual or estimated net sales of each such article (by class) during the fiscal year under review under prime contracts with the Departments and subcontracts.

(5) A statement indicating whether the sales claimed to be exempt were made at prices equal to or higher or lower than the prices charged on sales of similar articles in comparable amounts for non-renegotiable use.

(c) Time for filing. (1) Except as set forth in the first sentence of § 1467.3 (d) every contractor who claims that the exemption provided in section 106 (a) (8) of the act is applicable to all of its receipts or accruals in a fiscal year under prime contracts with the Departments and subcontracts, and who does not waive the exemption, shall file the Standard Commercial Article Report as soon as practicable, either before or after the close of such fiscal year, but in no event later than the date upon which the contractor, if it did waive the exemption, would be required to file the Standard Form of Contractor's Report with respect to such fiscal year.

(2) If, in addition to receipts or accruals claimed to be within the exemption, the contractor also had other re-

negotiable receipts or accruals in its fiscal year, the Standard Commercial Article Report may be filed, at the election of the contractor, at any time before the first day of the third calendar month following the close of such fiscal year. If the Standard Commercial Article Report is so filed, the contractor shall not be required to file its financial statement with respect to such other receipts or accruals until the date pre-scribed in § 1470.3 (d) (1) of this subchapter for the filing of such financial statement or until the thirtieth day after the contractor has received notice by registered mail of the action of the Board on the claim for exemption, whichever occurs later. If the Standard Commercial Article Report is not filed within the time specified in the first sentence of this subparagraph, it shall be filed by the contractor with its Standard Form of Contractor's Report or its Statement of Non-Applicability, as the case may be, for such fiscal year.

(d) Effect of filing. When the Standard Commercial Article Report is filed, it will be considered that the contractor has filed the information and data prescribed in paragraph (8) of section 106 (a) of the act and the six-month period prescribed in said paragraph will thereupon begin to run, except as provided in § 1467.5. A request by the Board for additional information pursuant to paragraph (e) of this section will not affect the running of such six-month period.

(e) Additional information. If the information contained in the Standard Commercial Article Report filed by the contractor, together with other information available to the Board, is not sufficient to enable the Board to determine whether the exemption is applicable, the Board will request the contractor to furnish such additional information, records or data which are considered by the Board to be necessary for such a determination. Such additional information may include, but is not limited to, all or any of the following:

(1) A statement that each article (by class) claimed to be exempt as a standard commercial article, in the normal course of business, is or is not custo-marily manufactured for stock, and is or is not customarily maintained in stock by the manufacturer or any dealer, distributor, or other commercial agency for the marketing of such article.

(2) If the statement required under subparagraph (1) of this paragraph is in the negative, set forth with respect to each such article (by class) the names and addresses of not less than two other persons, not related to the contractor and known or believed by the contractor to be not related to each other, who manufactured and sold such article (or an article identical therewith in every material respect) for general civilian industrial or commercial use during the fiscal year under review.

(3) If any such article was not manufactured and sold during the fiscal year by more than two persons for general civilian industrial or commercial use, but is claimed to be identical in every mate-

rial respect with an article so manufactured and sold, set forth the information required by subparagraph (2) of this paragraph with respect to such other article, together with information sufficient to establish that both of such articles are of the same kind, are manufactured of the same or substitute materials, and have the same industrial or commercial use or uses.

(4) A statement indicating whether the prime contracts, if any, of the contractor for any such article were negotiated or resulted from formal advertising and competitive bidding in conformity with the requirements of section 3 of the Armed Services Procurement Act of 1947 (Pub. Law 413, 80th Cong.).

(5) A statement indicating whether the subcontracts, if any, of the contractor for any such article were negotiated or resulted from . competitive bidding.

(6) Such other pertinent information and data as will, in the opinion of the contractor, tend to establish that competitive conditions affecting the sale of such article during the fiscal year under review were such as would reasonably prevent excessive profits.

§ 1467.5 Acceptability of report. If the Standard Commercial Article Report filed by any contractor is, in the opinion of the Board, incomplete or unsatisfactory in any material respect, the Board as soon as possible after the filing of such report will notify the contractor that exception has been taken thereto in such respect. Such filing will not be considered to be the filing of the information and data prescribed in paragraph (8) of section 106 (a) of the act, sufficient to start the running of the sixmonth period prescribed in said paragraph, and such period will not begin to run until such defect has been corrected. If the Standard Commercial Article Report contains a material misstatement of fact, the six-month period prescribed in section 106 (a) (8) of the act will not begin to run until such misstatement has been corrected, notwithstanding that the Board previously may have notified the contractor that such report had been accepted as complete and satisfactory.

§ 1467.6 Exemption denied when article fails to qualify as standard commercial article. If, within six months after the contractor files a Standard Commercial Article Report to which the Board has taken no exception, the Board determines that any article included therein is not a standard commercial article as that term is defined in section 106 (a) (8) of the act, the Board will give notice of such determination to the contractor by registered mail and will advise the contractor that the sales of such article in the fiscal year under review are not exempt under section 106 (a) (8) of the act.

§ 1467.7 Specific findings of sufficient competitive conditions. If, within six months after the contractor files a Standard Commercial Article Report to which the Board has taken no exception, the Board determines that any article included in such report is a standard

commercial article and makes a specific finding that competitive conditions affecting the sale of such article during the fiscal year under review were such as would reasonably prevent excessive profits, the Board will give notice of such determination and finding to the contractor by registered mail and, except as provided in the last sentence of § 1467.5, the exemption of all sales of such article so reported shall thereupon become fixed and final and the receipts or accruals from such sales will not be renegotiated.

- § 1467.8 Specific findings of insufficient competitive conditions-(a) When Board fails to make specific finding. If, within six months after the contractor files a Standard Commercial Article Report to which the Board has taken no exception, the Board fails to determine that any article claimed by the contractor to be a standard commercial article is not a standard commercial article as that term is defined in section 106 (a) (8) of the act, or fails to make a specific finding that competitive conditions affecting the sale of such article during the fiscal year under review were such as would not reasonably prevent excessive profits, then, except as provided in the last sentence of § 1467.5, the exemption of all sales so reported shall thereupon become fixed and final and the receipts or accruals derived from such sales will not be renegotiated.
- (b) When Board makes specific finding. If, within six months after the contractor files a Standard Commercial Article Report to which the Board has taken no exception, the Board makes a specific finding that competitive conditions affecting the sale of any standard commercial article included in such report were such as would not reasonably prevent excessive profits, the Board will give notice of such finding to the contractor by registered mail and will advise the contractor that the sales of such article in the fiscal year under review are not exempt under section 106 (a) (8) of the act.
- § 1467.9 Exemption not applicable to related subcontracts—(a) Statutory provision. Section 106 (a) (7) of the act exempts the following:
- (7) any subcontract directly or indirectly under a contract or subcontract to which this title does not apply by reason of any paragraph, other than paragraph (8), of this subsection:

[Matter in italics added by Pub Law 764, 83d Cong., approved September 1, 1954, and applies to contracts with the Departments and subcontracts only to the extent of the amounts received or accrued by a contractor or subcontractor after December 31, 1953.1

(b) Effect. The exemption provided in paragraph (8) of section 106 (a) of the act is limited to prime contracts and subcontracts with respect to which the conditions prescribed in said paragraph are shown to exist. It does not extend to related subcontracts. With respect to any such subcontracts, the exemption, if claimed, must be independently established.

PART 1470—PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

SECTION 1470.3 Filing of financial statement is amended in the following respects:

- 1. Paragraph (a) Form and paragraph (b) By whom filed are deleted in their entirety and the following is inserted in lieu thereof:
- (a) When renegotiable sales exceed statutory "floor" In accordance with the requirements of the first sentence of section 105 (e) (1) of the act, the "Standard Form of Contractor's Report" is hereby prescribed as the form of financial statement required to be filed by every person who holds renegotiable prime contracts or subcontracts when the aggregate renegotiable receipts or accruals of such person and all other persons under control of or controlling or under common control with such person exceed the applicable minimum amount for renegotiation prescribed in section 105 (f) (1) or (2) of the act. This includes brokers and manufacturers' agents and other whose principal business falls within the definition of subcontracts set forth in section 103 (g) (3) of the act. The Standard Form of Contractor's Report is composed of two parts (RB1 and RB 1B) No special form is prescribed for construction contractors, architects and engineers. Such contractors shall adapt the Standard Form of Contractor's Report to their particular needs.
- (b) When renegotiable sales are less than statutory "floor" In accordance with the requirements of the first sentence of section 105 (e) (1) of the act, the "Statement of Non-Applicability of the Renegotiation Act of 1951, as amended" (as set forth in § 1470.91) is hereby prescribed as the form of financial statement required to be filed by every person who holds renegotiable prime contracts or subcontracts when the aggregate renegotiable receipts or accruals of such person and all other persons under control of or controlling or under common control with such person do not exceed the applicable minimum amount for renegotiation prescribed in section 105 (f) (1) or (2) of
- 2. Paragraph (d) Time for filing is amended by deleting subparagraph (1) in its entirety and inserting in lieu thereof the following:
- (1) In general. The Standard Form of Contractor's Report, including both RB Form 1 and RB Form 1B, or the Statement of Non-Applicability, whichever is appropriate, shall be filed on or before the first day of the fifth calendar month following the close of the fiscal year of the contractor, whether or not any specific request for filing has been made.
- 3. A new § 1470.91 is added to read as follows:
- § 1470.91 Statement of non-applicability of the Renegotiation Act of 1951, as amended.

STATEMENT OF NON-APPLICABILITY OF RENEGO-TIATION ACT OF 1951, AS AMENDED

We hereby declare that the aggregate recelpts or accruals of the undersigned (to-gether with those of all below-listed persons, firms or corporations under the control of, or controlling or under common control with the undersigned), under contracts and subcontracts subject to the Renegotiation Act of 1951, as amended, hereinafter referred to as the act, did not exceed \$___

(Insert amount) for our fiscal year ended In (Insert date)

computing such receipts or accruals, we have excluded all income from contracts and subcontracts exempted by the act or by The Renegotiation Board. We have also excluded brokerage commissions and other income under subcontracts described in sec-tion 103 (g) (3) of the act.

We further declare that brokerage commissions and other income, if any, received or accrued by the undersigned (together with those of all below-listed persons, firms or corporations under the control of, or controlling or under common control with the undersigned), under subcontracts described in section 103 (g) (3) of the not, did not exceed \$25,000 for the same fiscal year.

We represent that we do not expect to receive or accrue any further amounts subject to renegotiation which will bring total receipts or accruals, for the fiscal year involved, above the \$______ floor or the (Insert amount)

\$25,000 floor.

The following persons, firms, or corpora-tions, and no others, were under the control of or controlling or under common control with the undersigned during such fiscal year (if none, write "None")

. Name of person, firm or corporation

Address

In submitting this statement, we are aware that section 105 (e) (1) of the act provides in part as follows: " Any person who willfully fails or refuses to furnish any statement, information, records, or data required of him under this subsection, or who knowingly furnishes any such statement, in-formation, records, or data containing information which is false or misleading in any material respect, shall, upon conviction thereof, be punished by a fine of not more than \$10,000 or imprisonment for not more than one year, or both."

> Exact name of contractor (not abbreviated)

State of incorporation

Mailing address

Date of incorporation Signature:

Principal officer, partner or proprietor

Title

Date of this report:

If a proprietorship or partnership givo date business established

¹ Fill in amount as follows (prorate if fiscal year is less than 12 months and state beginning and ending dates) For any fiscal year ending on or after June 30, 1953: \$500,000. For any fiscal year ending before June 30, 1953: \$250,000.

[[]F. R. Doc. 54-7773; Filed, Oct. 1, 1954; 8:52 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 135]

United States Delegation for Philip-PINE TRADE NEGOTIATIONS

NOTICE OF HEARINGS

Notice is hereby given by the United States Delegation for Philippine Trade Negotiations of intention to conduct negotiations with the Republic of the Philippines for the purpose of revising, subject to the approval of the Congresses of the two countries, the Agreement on Trade and Related Matters entered into between the United States and the Philippines on July 4, 1946, pursuant to Public Law 371 of the 79th U.S. Congress ("Philippine Trade Act of 1946") continuation through December 31, 1955, of the reciprocal free trade provisions of the Agreement was recently approved by the two Congresses (Public Law 474 of the 83d U.S. Congress) to permit time for the consultations and negotiations to which this notice refers.

The negotiations will cover all aspects of the 1946 Agreement and particularly the provisions regarding tariff preferences (Article I) commodity quotas and their allocation (Articles II and III), exchange rates and controls (Article V). national treatment for Americans in the development of Philippine natural resources (Article VII) and nondiscrimination and termination (Article X)

Any persons who have views or information which they wish to present to the Delegation with respect to possible modification of the 1946 Agreement in these or other respects are invited to do so in the public hearings which will be held before the Delegation beginning at 10:00 a. m., November 1, 1954. The Delegation will also receive information and views in writing. Presentations will be given equal consideration, whether written or oral. Anything which is confidential should be so labeled on the cover sheet and separated from nonconfidential material.

Applications for oral presentation, and the submission of written statements or briefs, must be made to the Delegation not later than 12:00 noon, October 22, All such communications should be addressed to "The Chairman, United States Delegation for Philippine Trade Negotiations, Department of State, Washington 25, D. C." Twelve copies of written statements, either typed, printed or duplicated, shall be submitted, of which one copy should be sworn to.

Only those persons will be heard who have presented written briefs or statements and filed applications to be heard by the closing date indicated in the preceding paragraph. The hearings will be held in the Hearing Room of the Tariff Commission at Seventh and F Streets, Washington, D. C. Applicants for oral presentation will be advised regarding the time of their individual apperance. Statements made at the public hearings shall be under oath.

By direction of the Chairman of the United States Delegation for Philippine Trade Negotiations this twenty-eighth day of September 1954.

> F. PATRICK KELLY. Executive Secretary, United States Delegation for Philippine Trade Negotiations.

[F. R. Doc. 54-7746; Filed, Oct. 1, 1954; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53607]

FEDERAL BARGE LINES, INC.

LIARK

SEPTEMBER 29, 1954.

The Commissioner of Customs by virtue of the authority vested in him and in accordance with § 3.81 (a) Customs Regulations (19 CFR 3.81 (a)) has registered the house flag and funnel mark of Federal Barge Lines, Inc., as described below.

(a) House flag. The house flag is rectangular in shape, the hoist is 3 feet in height and the fly is 4 feet 6 inches. The field of the flag is black with a yellow ball 2 feet 6 inches in diameter centered on the field. Superimposed upon the ball are the letters "FBL" in red. These letters are 12 inches high and 2 inches thick.

(b) Funnel mark. The funnel mark consists of a yellow ball centered on a black stack and the letters "FBL" are superimposed and centered in red on the yellow ball. The proportionate dimensions of the funnel mark are as follows: diameter of funnel (fore and aft) 1.0; distance from top of stack to top of letters, .40; diameter of ball, .55; letters, .23 in height.

Colored scaled replica drawings of the house flag and funnel mark are on file with the Federal Register Division.

RALPH KELLY, Commissioner of Customs.

[F. R. Doc. 54-7770; Filed, Oct. 1, 1954; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

UGOLINO AND GIUSEPPE DELLA GHERARDESCA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ugolino and Giuseppe della Gherardesca, Bolgheri, Livorno, Italy; Claim No. 37566, Vesting Order 2822; 828,406.89 in the Treasury of the United States. Check should be made payable jointly to the claimants.

Executed at Washington, D. C., on September 28, 1954.

For the Attorney General.

[SEAL] PAUL V MYRON, Deputy Director

Office of Alien Property.

[P. R. Doc. 54-7774; Filed, Oct. 1, 1954; 8:52 a. m.]

REGISTRATION OF HOUSE FLAG AND FUNNEL ENTREPRISES ELECTRIQUES FRIBOURGEOISES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Entreprices Electriques Fribourgeolses, Fribourg, Switzerland, Claim No. 15017; an undivided one-fourth interest in and to property described in Vesting Order No. 656 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,250,357.

Executed at Washington, D. C., on September 28, 1954.

For the Attorney General.

[SEAL]

PAUL V. MYRON. Deputy Director Office of Alien Property.

[F. R. Doc. 54-7775; Filed, Oct. 1, 1954; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

NARROWS UNIT, MISSOURI RIVER BASIN PROJECT, COLORADO

ORDER OF REVOCATION

May 5, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F R. 1937) I hereby revoke Departmental Order of May 24, 1949, insofar as said order affects the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, COLORADO T. 4 N., R. 56 W., Sec. 14, NE1/4NE1/4.

NOTICES

T. 5 N., R. 58 W., Sec. 22, SW1/4SW1/4, Sec. 23, E1/2 SE1/4, Sec. 27, NW¼NE¼, NE¼NW¼. T. 5 N., R. 60 W., Sec. 12, NE'4SW'4.

The above area aggregates 280 acres.

G. W LINEWEAVER. Assistant Commissioner

[Misc. 64697]

SEPTEMBER 28, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The land is located approximately eight miles north of Fort Morgan, Colorado. This land is not suitable for crop production due to steep slopes, shallow, sandy soil underlain by gravel, low average annual precipitation and lack of water for irrigation.

No application for the land may be allowed under the homestead, desertland, small tract, or any other nonmineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

This order shall not otherwise become effective to change the status of the described land until 10:00 a.m., on the 35th day after the date of this order. At that time the said land shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals. the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S. C. 279-284), as amended.

Veterans preference-right applications under the act of September 27, 1944 (58 Stat. 747 · 43 U.S. C. 279-284) as amended, may be filed on or before 10:00 a.m., on the 35th day after the date of this order, and those covering the same land shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the publicland laws, filed on or before 10:00 a.m., on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same land; otherwise, priority of filing shall govern.

Inquiries regarding the land shall be addressed to the Manager, Land Office. Bureau of Land Management, Denver, Colorado.

> W G. GUERNSEY. Associate Director Bureau of Land Management.

[F. R. Doc. 54-7745; Filed, Oct. 1, 1954; 8:45 a. m.]

National Park Service

[Order 10, Amdt. 1]

REGIONAL DIRECTORS

DELEGATIONS OF AUTHORITY WITH RESPECT TO CONCESSION CONTRACTS, PERMITS AND STOCK TRANSFERS

SEPTEMBER 21, 1954.

Paragraph (i) of section 1, of Order No. 10 approved May 17, 1954 (19 F R. 2988), is amended to read as follows:
(i) Execution of concession contracts

and permits in excess of 5 years and approval of transfers of corporate stock, except stock transfers which do not involve a change in ownership in more than 15 per cent of the outstanding stock and will not vest in the transferee more than 50 per cent of the outstanding stock of a bathhouse, or involve an interest in more than one bathhouse in Hot Springs National Park.

(Secretary's Order No. 2640; 39 Stat. 535, 16 Ù. S. C. 2)

[SEAL]

CONRAD L. WIRTH, Director

[F. R. Doc. 54-7744; Filed, Oct. 1, 1954; 8: 45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6871]

COMPANIA DOMINICANA DE AVIACION, C. Por A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Compania Dominicana de Aviacion, C. Por A., for amendment of its foreign air carrier permit to provide for the addition of Port-au-Prince, Haiti, and Cap Haitien, Haiti, as intermediate points on its route between Ciudad Trujillo, Dominican Republic, and Miami.

Notice is hereby given that a prehearing conference in the above-entitled matter is asigned to be held on October 11, 1954, at 10:00 a. m., e. s. t., in Room 2070, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., September 29, 1954.

[SEAL]

Francis W. Brown. Chief Examiner

[F. R. Doc. 54-7789; Filed, Oct. 1, 1954; 8:55 a. m.1

FEDERAL POWER COMMISSION

[Docket No. G-25391

TENNESSEE GAS TRANSMISSION Co.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Tennessee Gas Transmission Company (Applicant) a Delaware corporation having its principal place of business in Houston, Texas, filed an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Union

Oil and Gas, Inc., in Putnam County, West Virginia, and the construction and operation of necessary metering facilities to make the deliveries. Applicant proposes to sell and deliver to Union Oil and Gas, Inc., a maximum daily quantity of 1000 Mcf of natural gas on an interruptible basis under its Interruptible Rate Schedule R-3.

Applicant requests that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds:

(1) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that due notice of the application, including publication in the FEDERAL REGISTER, be given as hereinafter provided.

(2) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the application filed herein on August 10, 1954, should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice of this application be given, including publication in the Fer-ERAL REGISTER, of this notice of application and order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 19, 1954, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: Provided, however. That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 or 1.10 (18 CFR 1.8 or 1.10) on or before October 15, 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 or 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f))

Adopted: September 27, 1954.

Issued: September 28, 1954.

By the Commission.

[SEAL]

J. H. Gutrine. Acting Secretary.

[F. R. Doc. 54-7763; Filed, Oct. 1, 1954; 8:49 a. m.1

[Docket No. G-2553]

ADA OIL CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Ada Oil Company (Applicant) a Delaware corporation and

independent producer with its principal place of business in Houston, Texas, filed, on August 18, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, to sell gas to Texas Illinois Natural Gas Pipeline Company.

Applicant proposes to sell natural gas produced from one well on acreage located in the West Bernard Field, Wharton County, Texas, to Texas Illinois Natural Gas Pipeline Company at a price of 15 cents per Mcf., in a contract volume of 1,500 Mcf a day. Applicant proposes to construct and operate 2,500 feet of 3-inch pipeline to enable it to make deliveries to the Tidewater Gasoline Plant of the Tidewater Associated Oil Company, which will remove liquefiable hydrocarbons and redeliver the gas to the purchaser. In Docket No. G-1914, order issued April 16, 1953, Texas Illinois Natural Gas Pipeline Company was authorized to construct and operate facilities necessary for the receipt of gas from the West Bernard Field.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.3 or 1.10) on or before the 11th day of October 1954. The application is on file with the Commission for public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds:

(1) It is proper and consistent with the public interest that notice of application and order fixing date of hearing be published simultaneously.

(2) This proceeding, absent proper protest or petition to intervene in opposition to the application, is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of

practice and procedure.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 13th, 1954, at 9:30 a.m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: Provided, however, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Adopted: September 27, 1954.

Issued: September 28, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-7764; Filed, Oct. 1, 1954; 8:50 a. m.]

[Docket No. G-2581]

LOUISVILLE FUEL CO.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that Louisville Fuel Company (Applicant) an Illinois corporation with its principal office in Chicago, Illinois, filed on August 26, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in its application.

The application recites that Applicant produces natural gas in Floyd County, Kentucky, and sells in interstate commerce to Kentucky West Virginia Gas

Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 12th day of October 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 15, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: Provided, however, That the Commission may, after a non-contested hearing, dispose of the proceeding under the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: September 27, 1954.

Issued: September 28, 1954.

By the Commission.

[SEAL]

J. H. GUTRIDE, Acting Secretary.

[F. R. Doc. 54-7747; Filed, Oct. 1, 1954; 8:46 a. m.]

[Docket No. G-2597]

O. NEATHERY, JR.

NOTICE OF APPLICATION AND ORDER FIXING DATE OF HEARING

Take notice that O. Neathery, Jr. (Applicant), an individual with a principal office in San Antonio, Texas, filed, on August 30, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant

to sell natural gas for resale in interstate commerce subject to the jurisdiction of the Commission, all as more fully represented in the application.

The application recites that Applicant produces natural gas in the Cabeza Creek Field, Goliad County, Texas, and proposes to sell such gas to the United Gas

Pipe Line Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of October 1954. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is proper and consistent with the public interest that notice of the application and order fixing date of hearing be published simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 12, 1954, at 9:50 a.m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: Provided, however, That the Commission may, after a non-contested hearing, dispose of the proceeding under the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: September 27, 1954.

Issued: September 28, 1954.

By the Commission.

[SEAL]

J. H. GUTRIDE, Acting Secretary.

[F. R. Doc. 54-7765; Filed, Oct. 1, 1954; 8:50 a. m.]

[Docket Nos. G-2598, G-2599]

TAYLOR OIL AND GAS CO. AND MAYFAIR MINERALS, INC.

NOTICE OF APPLICATIONS AND ORDER CONSOL-IDATING AND FIXING DATE OF HEARING

Take notice that Taylor Oil and Gas Co., (Taylor) a Delaware corporation with its principal place of business at Taylor, Texas, and Mayfair Minerals, Inc., a Texas corporation with its principal place of business at McAllen, Texas, (Mayfair) filed on August 31, 1954, their respective applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sales of natural gas subject to the jurisdiction of the Commission, all as more fully represented in their respective applications.

The application filed by Taylor recites natural gas produced by it in the Mc-Allen and Pharr Fields, Hidalgo County, Texas, is sold to Trunkline Gas Com-

pany.

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The application filed by Mayfair recites natural gas produced by it in the McAllen and Pharr Fields, Hidalgo County, Texas, is sold to Trunkline Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 12, 1954. The applications are on file with the Commission for public inspection.

These matters should be disposed of as promptly as possible under the applicable rules and regulations.

The Commission finds: It is appropriate and in the public interest to (a) consolidate the above-entitled proceedings for the purpose of hearing, and (b) publish notice of the application and order consolidating and fixing date of hearing simultaneously.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, Docket Nos. G-2598 and G-2599 be and the same are hereby consolidated for the purpose of hearing and that a hearing be held on October 15, 1954, at 9:30 a.m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: Provided, however That the Commission may, after a non-contested hearing, dispose of the applications and matters presented therein under the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Adopted: September 27, 1954. Issued: September 28, 1954.

By the Commission.

[SEAL]

J. H. GUTRIDE, Acting Secretary.

[F. R. Doc. 54-7748; Filed, Oct. 1, 1954; 8:46 a. m.]

[Docket Nos. G-2601, G-2602]

Texas Illinois Natural Gas Pipeline Co. and Plymouth Oil Co.

NOTICE OF APPLICATIONS, ORDER CONSOLI-DATING PROCEEDINGS, AND FIXING DATE OF HEARING

On August 31, 1954, Texas Illinois Natural Gas Pipeline Company (Texas Illinois) a Delaware corporation having its principal place of business in Chicago, Illinois, filed an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity. Texas Illinois proposes to construct the following facilities, all in San Patricio County, Texas, to enable it to replace short-term spot purchases of 11,000 Mcf of natural gas per day with a like amount of gas on a firm basis from Plymouth Oil Company

(a) Approximately 6.4 miles of 8%-inch lateral pipeline connecting Plymouth's gasoline plant serving the Plymouth's part of the plymouth's part of the plymouth of the plymout

outh and Portilla Fields with Texas Illinois' 26-inch trunkline;

(b) Approximately 0.7 miles of 6%-inch lateral pipeline connecting Plymouth's gathering line in the North Pasture Field with Texas Illinois' 26-inch trunkline;

(c) Two (2) meter stations equipped to accomplish the accurate measurement of gas delivered through each of the aforementioned lateral pipelines; and

(d) Auxiliary and other appurtenant facilities as may be necessary or convenient.

The estimated cost of the proposed facilities is \$174,300, to be financed from funds on hand.

On August 31, 1954, Plymouth Oil Company (Plymouth) a Delaware corporation having its principal place of business in Pittsburgh, Pennsylvania, filed an application, pursuant to section 7 (c) of the Natural Gas Act and § 157.23 (b) of the Commission's general rules and regulations, for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce to Texas Illinois for resale for ultimate public consumption for domestic; commercial, or industrial use. Plymouth proposes to sell and deliver to Texas Illinois for a period of 20 years an average daily contract quantity of 11,000 Mcf from reserves in the North Pasture. Plymouth, and Portilla Fields in San Patricio County, Texas.

Plymouth's application is to authorize delivery of the volumes of gas which Texas Illinois proposes to receive through facilities for which it seeks authorization in Docket No. G-2601.

Texas Illinois and Plymouth request that their applications be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The applications are on file with the Commission for public inspection.

The Commission finds:

(1) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that due notice of the applications, including publication in the Federal Register, be given as hereinafter provided.

(2) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the companion applications by Texas Illinois in Docket No. G-2601 and Plymouth_in Docket No. G-2602 be consolidated for purposes of hearing and decision.

(3) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, that the applications filed herein on August 31, 1954, should be set down for public hearing as hereinafter provided and ordered.

The Commission orders:

(A) Due notice of these applications be given, including publication in the Feneral Register, of this notice of application and order.

(B) The proceedings in Docket Nos. G-2601 and G-2602 be and the same hereby are consolidated for the purpose of hearing and decision.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 18, 1954, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications: Provided, however, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(D) Protests or petitions to intervene may be filed with the Commission in accordance with its rules of practice and procedure, §§ 1.8 or 1.10 (18 CFR 1.8 or 1.10) on or before October 15, 1954.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f))

Adopted: September 27, 1954.

Issued: September 28, 1954.

By the Commission.

[SEAL]

J. H. GUTRIDE, Acting Secretary.

[F. R. Doc. 54-7766; Filed, Oct. 1, 1954; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29733]

LUMBER FROM KANSAS TO WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Lumber and related articles, carloads.

From: Points in Kansas.

To: Points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin. Grounds for relief: Competition with

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, I. C. C.

No. 3954, supp. 63.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Oherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without

further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD. Secretary.

[F. R. Doc. 54-7755; Filed, Oct. 1, 1954; 8:48 a. m.]

[4th Sec. Application 29737]

FORMALDEHYDE FROM BELLE, W VA., TO CHARLOTTE AND GRIFFITH, N. C.

APPLICATION FOR RELIEF

SEPTEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No. 4510, pursuant to fourth-section order No.

Commodities involved: Formaldehyde, liquid, carloads and tank-car loads.

From: Belle, W Va.

To: Charlotte and Griffith, N. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emer-gency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be

By the Commission.

held subsequently.

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GEORGE W LAIRD. Secretary.

[F. R. Doc. 54-7759; Filed, Oct. 1, 1954; 8:49 a. m.1

[4th Sec. Application 29734]

PAPER BOXES FROM ELIZABETHTON, TENN., TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

September 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below. Commodities involved: Paper boxes, carloads.

From: Elizabethton, Tenn.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, market competition, rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1349, supp. 69.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD, Secretary.

[F. R. Doc. 54-7756; Filed, Oct. 1, 1954; 8:48 a. m.]

[4th Sec. Application 29735]

MERCHANDISE IN MIXED CARLOADS FROM VARIOUS POINTS TO HOWELLS TRANSFER,

APPLICATION FOR RELIEF

SEPTEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below. Commodities involved: Merchandise

in mixed carloads.

From: Ohio and Mississippi River Crossings, Virginia Cities, Washington, D. C., and points in southern territory.

To: Howells Transfer, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates; C. A. Spaninger, Agent, I. C. C. No. 1305, supp. 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by

the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD. Secretary.

[F. R. Doc. 54-7757; Filed, Oct. 1, 1954; 8:48 s. m.]

[4th Sec. Application 29736]

ACETALDEHYDE FROM BROWNSVILLE AND HOUSTON, TEX., TO ST. LOUIS, MICH.

APPLICATION FOR RELIEF

SEPTEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by. F. C. Kratzmeir, Agent, for carriers parties to schedule listed below. Commodities involved: Acetaldehyde,

in tank-car loads. From: Brownsville and Houston,

To: St. Louis, Mich.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, L. C. C. No. 3967, supp. 388.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, Secretary.

[F. R. Doc. 54-7758; Filed, Oct. 1, 1954; 8:49 a. m.]

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[4th Sec. Application 29738]

MICH., TO WISCONSIN

APPLICATION FOR RELIEF

SEPTEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by The Chicago and North Western Railway Company.

Commodities involved: Bituminous coal, carloads.

From: Menominee, Mich.

To: Points in Wisconsin.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: Chicago and North Western Railway Company, I. C. C. No. 11277, supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the. expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

- GEORGE W. LAIRD. Secretary.

8:49 a. m.]

[4th Sec. Application 29739]

BITUMINOUS COAL FROM MENOMINEE, CASTOR BEANS ETC., BETWEEN POINTS IN PLASTER, PLASTERBOARD, AND RELATED TEXAS

APPLICATION FOR RELIEF

SEPTEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by J. F Brown, Agent, for carmers parties to schedule listed below.

Commodities involved: Castor beans, carloads, malted milk, carloads, and less-than-carloads, aluminum wire, lessthan-carloads.

Between: Points in Texas.

Grounds for relief: Rail competition, circuity, to meet intrastate rates, and rates constructed on the basis of the short line distance formula-

Schedules filed containing proposed rates: J F Brown, Agent, I. C. C. No.

807, supp. 59.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subse-

By the Commission.

[SEAL]

GEORGE W LAIRD, Secretary.

[F. R. Doc. 54-7760; Filed, Oct. 1, 1954; [F. R. Doc. 54-7761; Filed, Oct. 1, 1954; 8:49 a. m.]

[4th Sec. Application 29740]

ARTICLES FROM OFFICIAL TERRITORY TO THE SOUTH

APPLICATION FOR RELIEF

SEPTEMBER 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No. 4469 and Agent C. W Boin's tariff I. C. C.

No. A-886.

Commodities involved: Plaster, plasterboard, and related articles, carloads. From: Points in official territory.

To: Points in southern territory Grounds for relief: Rail competition, circuity, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

GEORGE W. LAIRD, [SEAL]

Secretary.

[F. R. Doc. 54-7762; Filed, Oct. 1, 1954; 8:49 a. m.]